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HOUSE JOURNAL

OF THE

LEGISLATIVE ASSEMBLY

OF

KANSAS TERRITORY,

(SPECIAL SESSION,)

BEGUN AT THE CITY OF LECOMPTON, JAN. 19,

1860,

AND HELD AND CONCLUDED AT THE CITY OF LAWRENCE.

PUBLISHED BY AUTHORITY.

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LECOMPTON, KANSAS:
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HOUSE JOURNAL.

LECOMPTON, Kansas Territory,
Jan. 19th, 1860, 12 M.

In pursuance to the following Proclamation of his Excellency, SAMUEL MEDARY, Governor of the Territory of Kansas, to the members of the House of Representatives, the Legislative Assembly of the Territory of Kansas, met in the City of Lecompton, on Thursday, the 19th day of January, A. D. 1860, at 12 M., and were called to order by the Hon. Gustavus A. Colton, Speaker of the last House.

PROCLAMATION.

To the Members of the Council and House of Representatives of the Territory of Kansas:

The 30th Section of the Organic Act declares "that there shall be but one session of the Legislative Assembly unless on an extraordinary occasion the Governor shall think proper to call the Legislature together."

Now, whereas, the Legislature which met at the Capital, on the 2d day of January 1860, has dissolved without performing such legislation as is imperatively demanded by the wants of the people,

Therefore, I, SAMUEL MEDARY, Governor of the Territory of Kansas, do hereby summon the members of the Council and House of Representatives of the said Territory to assemble in their respective Chambers, at Lecompton, at 12 M. on Thursday, the 19th day of January 1860, then and there to consider and perform such duties as are demanded by the interests and necessities of the people.

Given under my hand, at the City of Lecompton, K. T., this 18th day of January 1860.

(Signed) S. MEDARY,
Governor.

The roll being called the following gentlemen answered to their names, to-wit: Messrs. Brown, Bartlett, Brooks, Chandler, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Knowles, Lombard, Lindsay, Murphy, Morton, Noel, Nelson, Pierce, Robertson, Reynolds, Steward, Sims, Shively, Scott, Sopris, Vanderslice, Whitehead, Wright, Wagstaff, Wood and the Speaker.

Mr. Vanderslice came forward and was sworn in, and entered upon the discharge of his duties as a member of the House.

Mr. Scott offered the following resolution, which was adopted:

Resolved, That the following named officers of the House of Representatives, of the Legislative Assembly of the Territory of Kansas, at its late Session, viz: Gustavus A. Colton, Speaker of the House; M. W. Delahay, Chief Clerk; A. J. Shipman, Assistant Clerk; S. F. Tappan, Second Assistant Clerk; Geo. F. Warren, Sergeant-at-Arms; Francis House, Door-Keeper; H. C. Chase, Journal Clerk; John L. Wilson, Engrossing Clerk, Andrew Stark, Enrolling Clerk; H. M. Hughes, P. H. Berkau, and the Clerks, and Assistant Clerks of the last House, and Edward Murphy, Messenger, be, and they are hereby declared, duly elected to the respective offices held by them at the last Session, for the present session.

Mr. Murphy moved to lay the Resolution on the table.

Lost.

The question then being upon the Resolution,

The Yeas and Nays were demanded and resulted as follows:

Yeas—23. Nays—11.

Those voting in the affirmative, were

Messrs. Bartlett, Brooks, Chandler, Canniff, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lindsay, Pierce, Morton, Nelson, Robertson, Steward, Sims, Shively, Sheldon, Scott, Wagstaff and Wood.

Those voting in the negative were

Messrs, Brown, Blake, Cornwell, Murphy, McMath, Noel, Reynolds, Sopris, Vanderslice, Whitehead and Wright.

And so the Resolution was adopted.

On motion of Mr. McMath, the Chief Clerk was instructed to inform the Council, that the House is now organized and ready to proceed to business.

Mr. Blake moved that the name of J. S. Magill be called as a member of this House.

Mr. Morton moved to lay the motion upon the table.

Upon which the yeas and nays were demanded, and resulted as follows:

Yeas—14. Nays—21.

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Chandler, Cave, Elliott, Jones, Knowles, Morton, Nelson, Robertson, Steward, Shively, Sheldon and Wood.

Those voting in the negative were

Messrs. Brown, Blake, Canniff, Cornwell, Dutton, Fitzpatrick, Heath, Lombard, Lindsay, Murphy, McMath, Noel, Reynolds, Rankin, Scott, Sopris, Vanderslice, Whitehead, Wright and Wagstaff.

And so the motion to lay upon the table was lost.

Message from the Council:

MR. SPEAKER:—I am directed to notify your Honorable Body that the Council has organized, by the choice of W. W. Updegraff, President, John J. Ingalls, Secretary, H. M. Selden, Sergeant-at-Arms and J. R. Rankin, Door-Keeper; and are ready to proceed to business.

JOHN J. INGALLS,
Secretary.

Message from the Council:

Mr. Speaker:—I am directed by the Council to inform your Honorable Body, that the Council has passed the following resolution, in which your concurrence is requested:

Resolved, By the Council, the House concurring therein, that there be a Committee of one, on the part of the Council, and two on the part of the House, appointed to inform His Excellency, Governor Medary, that the two Houses of the Legislative Assembly have completed their organization, and are ready to receive any communication he may be pleased to make.

JOHN J. INGALLS,
Secretary.

On motion of Mr. Sims, the House concurred in the Resolution of the Council, and

The Chair appointed Messrs. Sims and Brooks as said Committee, on the part of the House.

Mr. Wood offered the following, as a substitute to the motion of Mr. Blake:

That the name of J. S Magill be stricken out, and the name of George G. Pierce, be called as the Representative from the 10th District, composed of the counties of Marshall and Washington.

Mr. Brown moved to lay the substitute upon the table.

Upon which the yeas and nays were demanded, with the following result:

Yeas—19. Nay—15.

Those voting in the affirmative were

Messrs. Brown, Blake, Canniff, Cornwell, Dutton, Heath, Lombard, Lindsay, Murphy, McMath, Noel, Robertson, Reynolds, Scott, Sopris, Vanderslice, Whitehead, Wright and Wagstaff.

Those voting in the negative were

Messrs. Bartlett, Brooks, Chandler, Cave, Elliott, Fitzpatrick, Jones, Knowles, Morton, Nelson, Rankin, Steward, Shively, Sheldon and Wood.

And so the substitute was laid upon the table.

Mr. Rankin moved to defer the whole subject, and make it the special order of Saturday at 2 o'clock P. M.

Upon which the yeas and nays were demanded, as follows:

Yeas—23. Nays—13.

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Chandler, Canniff, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lindsay, Morton, Nelson, Robertson, Rankin, Steward, Sims, Shively, Sheldon, Scott and Wood.

Those voting in the negative were

Messrs. Brown, Blake, Lombard, Murphy, McMath, Noel, Parks, Reynolds, Sopris, Vanderslice, Whitehead, Wright and Wagstaff.

And so the whole subject was postponed and made the Special Order of Saturday, at 2 o'clock, P. M.

Mr. Blake moved to adjourn until 4 o'clock.

Mr. Morton moved to amend by striking out 4 and inserting 3.

Mr. Fitzpatrick moved to further amend by striking out 3 and inserting 2, which was

Adopted, and

The House adjourned until 2 o'clock, P. M.

AFTERNOON SESSION.

TWO O'CLOCK.

House called to order by the Speaker.

Mr. Nelson moved a call of the House, which was

Agreed to, and

The Sergeant-at-Arms was ordered to bring in the absentees.

On motion of Mr. Wood, further proceedings under the call were dispensed with.

Mr. Brown offered the following resolution:

Be it resolved by the House of Representatiaes, That the Secretary of the Territory be and is hereby respectfully requested to furnish the members of the House with pens, ink and paper.

Adopted.

Mr. Blake offered the following resolution:

Resolved, That the rules adopted by the Legislative Assembly, at the session commenced on the 2d day of January, 1860, be adopted for the government of this House.

Mr. Wood moved to lay the resolution upon the table.

Upon which the yeas and nays were demanded with the following result:

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Chandler, Canniff, Cave, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lindsay, Morton, Nelson, Robertson, Rankin, Steward, Sims, Shively, Sheldon, Scott, Sopris, Wagstaff and Wood.

Those voting in the negative were

Messrs. Brown, Blake, Cornwell, Lombard, Murphy, McMath, Noel, Parks, Reynolds, Vanderslice, Whitehead and Wright.

And so the resolution was laid upon the table.

Mr. Sims, from the Committee appointed to wait upon His Excellency, the Governor, reported as follows:

Mr. Speaker:—The undersigned, a Committee on the part of the House, to wait upon His Excellency, the Governor, and inform him of the organization of the two Houses of the Legislative Assembly have, together with the committee of one on the part of the Council, performed that duty, and in reply, His Excellency stated that a brief communication would be sent to the Assembly to-morrow morning.

SIMS,
BROOKS.

Mr. McMath offered the following resolution:

Resolved, That Daniel Scully be admitted within the bar of the House, as Reporter for the Leavenworth *Daily Herald*.

Adopted.

Mr. Wood offered the following resolution, which was adopted:

Resolved, That H. Boyington be admitted to a seat within the bar of the House, as Reporter for the Lawrence *Republican*.

Also, by the same gentleman, the following:

Resolved, That Mrs. C. I. H. Nichols be admitted to a seat within the bar of the House, as Reporter for the Quindaro *Tribune*.

Adopted.

Mr. Rankin moved a call of the House,

Which was ordered.

On motion of Mr. Jones, further proceedings under the call were dispensed with.

Mr. Brown moved to adjourn, which was

Lost.

Mr. Wood moved a call of the House,

Which was ordered, and

The Sergeant-at-Arms instructed to bring in the absentees.

On motion of Mr. Wood, Mr. Lynde and Mr. Pierce were excused from the call.

On motion, the further call of the House was dispensed with.

Message from the Council:

Mr. Speaker:—I am directed by the Council to inform your Honorable Body that the Council has passed the following Joint Resolution, in which your concurrence is solicited:

Resolved by the Governor and Legislative Assembly of the Territory of Kansas, That we do adjourn on Friday, the 20th day of January, A. D., 1860, at 4 o'clock, P. M., to meet in the City of Lawrence, in this Territory, on Saturday, the 21st day of January, A. D. 1860, at 12 o'clock, M., to hold the remainder of the session.

JOHN J. INGALLS,
Secretary.

The resolutions were then taken up and

Read a first time.

On motion of Mr. Wood, the resolutions were

Read a second time.

Mr. Brown moved moved to amend by striking out the word "Lawrence," and insert "Leavenworth."

Mr. Blake offered the following as a substitute, and moved its adoption:

WHEREAS, By the Proclamation of the Governor, the Legislature of the Territory of Kansas has been convened in Extra Session at the Capital, then and there to proceed to the necessary legislation, and

WHEREAS, The Halls provided by the Secretary of the Territory, at the expense of the General Government, are large and comfortable, and well supplied with five good Committee rooms, the said Halls being each twenty feet wide and fifty feet long, and the said Halls and Committee rooms being all under the same roof, rendering them most conveniently situated for the transaction of Legislative business, and

WHEREAS, There are, in Lecompton, four large, first class hotels, and three large and good boarding houses, in all capable of accommodating over three hundred persons, with good rooms and beds, and;

WHEREAS, The health of the Honorable Governor is such as to render it very uncertain that he can, conveniently, accompany the Legislature to any other place, should they adjourn from the Capital, thereby unnecessarily retarding, obstructing and increasing the expenses of legislation, and

WHEREAS, The adjournment of the Legislature from the Capital, to any other town, would be attended by large expense, which would unnecessarily have to be paid by taxing the people, who are now already oppressed with, and unwilling to bear any heavier taxation, especially where no good can possibly result to them from so doing, therefore

Be it Resolved by the Governor and Legislative Assembly of the Territory of Kansas, That we deem it inexpedient to

adjourn to any other place, believing it to be for the good of our own constituents, and that we can pass as good and wholesome laws in this City of Lecompton as in any other town, and that we will waste no more time in running about from town to town, at the expense of the tax-payers of Kansas Territory.

The question being upon the adoption of the substitute offered by Mr. Blake,

The yeas and nays were demanded.

Mr. Murphy moved a call of the House, and was

Ruled out of order by the Speaker.

The vote being taken upon the adoption of the substitute offered by Mr. Blake, it resulted as follows:

Yeas—10. Nays—26.

Those voting in the affirmative were

Messrs. Brown, Blake, Lombard, Murphy, Noel, Parks, Reynolds, Vanderslice, Whitehead and Wright.

Those voting in the negative were

Messrs. Bartlett, Brooks, Chandler, Canniff, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lindsay, McMath, Morton, Nelson, Robertson, Rankin, Steward, Sims, Sheldon, Shively, Scott, Sopris, Wagstaff and Wood.

And so the substitute was lost.

The question recurring upon the amendment of Mr. Brown, to strike out the word "Lawrence" and insert "Leavenworth,"

The yeas and nays were demanded, with the following result:

Yeas—8. Nays—28.

Those voting in the affirmative were

Messrs. Brown, Canniff, Fitzpatrick, Murphy, Parks, Whitehead, Wright and Wood.

Those voting in the negative were

Messrs. Blake, Bartlett, Brooks, Chandler, Cornwell, Cave, Dutton, Elliott, Heath, Jones, Knowles, Lombard, Lindsay, McMath, Morton, Noel, Nelson, Robertson, Reynolds, Rankin, Stewart, Sims, Shively, Sheldon, Scott, Sopris, Vanderslice and Wagstaff.

So the amendment was lost.

Mr. Sims offered the following as an amendment to the Resolution of the Council;

Be it further Resolved, That the bond of obligation signed by C. W. Babcock, L. L. Jones, S. W. Eldridge, G. W. Hutchinson and Lyman Allen, conditioned fully to indemnify the Territory of Kansas, against all expenses arising from the adjournment of the late Legislative Assembly from the Capital to Lawrence, be accepted by the Legislative Assembly, and spread upon the Journals of the House, and that said indemnifying bond which bears date 19th day of January, A. D. 1850, be filed in the office of the Secretary of the Territory, with the enrolled copy of the foregoing Resolution.

Upon which the yeas and nays were demanded.

Mr. Murphy moved a call of the House.

Lost.

The question being upon the adoption of the amendment offered by Mr. Sims, the vote resulted as follows:

Yeas—35. Nays—1.

Those voting in the affirmative were

Messrs, Blake, Bartlett, Brooks, Chandler, Canniff, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lombard, Lindsay, Murphy, McMath, Morton, Noel, Nelson, Parks, Robertson, Reynolds, Rankin, Steward, Sims, Shively, Sheldon, Scott, Sopris, Vanderslice, Whitehead, Wright, Wagstaff and Wood.

Those voting in the negative were

Mr. Brown.

So the amendment was adopted.

Mr. Wood called for the reading of the Resolutions and the amendment as submitted by Mr. Sims, which were then read a third time.

Mr. Parks, Mr. Lombard and Mr. Wright offered the following explanatory statement, and requested that it might be spread upon the Journal.

By unanimous consent it was ordered to be done.

Mr. Speaker:—It is evident to us, that a large majority of both Houses of this Legislature is in favor of removing from this place to Lawrence, for the purpose of holding the remainder of this session. In the preceding session of this body we voted against such an adjournment for reasons satisfactory to ourselves.

We all know that the removal resulted in a disunion of the Legislature, and a failure to accomplish anything for the good of the people of the Territory. We have again met, and this question again presents itself. We have the honor, sir, to represent in part two of the wealthiest and most populous counties in the Territory—counties that are now suffering severely for want of Legislation, and while our objections to this removal remain unchanged, we feel it to be our duty to our constituents, to vote for this removal, and thus contribute what we can to restore harmony in this Legislature and insure safe and speedy legislation for all parties concerned.

P. S. PARKS
F. LOMBARD
JOHN WRIGHT

The question then being upon the adoption of the Resolutions as amended.

The yeas and nays were demanded, and resulted as follows:

Yeas—29. Nays—7.

Those voting in the affirmative, were

Messrs. Bartlett, Brooks, Chandler, Canniff, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lombard, Lindsay, McMath, Morton, Nelson, Parks, Robertson, Rankin, Steward, Sims, Shively, Sheldon, Scott, Sopris, Wright, Wagstaff and Wood.

Those voting in the negative, were

Messrs. Brown, Blake, Murphy, Noel, Reynolds, Vanderslice and Whitehead.

And so the resolutions, as amended, were adopted.

On motion of Mr. Brown,

The House took a recess of twenty minutes.

Recess having expired

The House was called to order by the Speaker.

Mr. Wood moved a call of the House.

Carried.

A quorum being present,

On motion of Mr. Wood the further call was dispensed with.

Message from the Council:

Mr. Speaker:—I am directed by the Council, to inform your Honorable Body that the Council have concurred in the amendments of the House to the Joint Resolution in regard to an adjournment to Lawrence.

JOHN J. INGALLS,
Secretary.

Mr. Blake moved to adjourn until to-morrow at 9 o'clock, A. M.

Lost.

On motion of Mr. Morton,

The House adjourned until to-morrow at 12 o'clock, M.

G. A. COLTON.
Speaker of the House

M. W. DELAHAY,
Chief Clerk.

Friday, January 20, 1860,
12 o'clock, M.

House called to order by the Speaker.

Roll called.

Absent—Messrs. Brown, Blake, Heath, Lynde, Murphy, Morton, Noel, Reynolds, Sims, Sopris, Wagstaff and Wood.

The Journal of yesterday was read and approved.

The following message was received from the Governor by his Private Secretary:

GOVERNOR'S MESSAGE.

Executive Office, Lecompton, K. T.
January 20, 1860.

To the Council and House of Representatives :

Gentlemen:—Under the authority of the Organic Act, I have called you together in an "Extraordinary Session," being impelled to do so, by the wants and necessities of the Territory. There is a certain amount of Legislation, of a general nature, which calls imperiously upon your immediate action; and while important, it need not require a session of great length. In a few days, closely applied, much can be accomplished—and all, that is of a real necessity.

As to matters generally, I refer you to my Annual Message of the 3d inst., to which I call your especial attention, as covering most of the subjects which I believe absolutely require your legislative action.

There being no law passed by the last Legislature, authorizing a session of the Supreme Court, it should receive your early attention, so that the Judges may be able to hold a term before the Spring circuits begin. The delay to suitors, growing out of this oversight, is onerous to them and should at once be corrected.

I would respectfully submit to you the question, whether legislation should not be had regarding the County Boards of Supervisors, which are the canvassers of election returns. It appears from late examination that it is not an unusual practice for the County Boards, on canvassing the returns from the several towns and precincts, to throw out of the canvass such as they come to the conclusion were deficient in some requirement of the law. These Boards not only assume this high and dangerous prerogative of thus changing the result of elections, but they suppress the rejected returns altogether, and furnish abstracts to the Territorial (and State) canvassers that do not show these facts. These County Boards set themselves up as a court of last resort, and try cases on the most flimsy and *ex parte* partisan testimony.

If these Boards should think they find authority and good cause for thus throwing out a portion of the returns, they should be compelled to state such facts, with the votes thrown out, attached to the abstract, and certified to, as correct, under their oaths of office. This would not only show a true state of facts, but also the real vote of the Territory, while under the existing state of things there is only shown such amount of votes as these Boards choose to count and furnish to the Territorial (or State) canvassers. Hence the vote of the Territory shows at each election a much less vote than is really cast.

By this process of depleting the returns, we hear of one or more counties in which not much over one half the votes polled are returned, and the whole political expression of a populous county changed—not by the voters themselves, but by canvassers, sitting in authority, while the act is hidden under cover of abstracts, which do not even allude to the facts.

The 75th Section of the Act "Regulating Elections," approved February 4th, 1859, does not appear to be noticed. It reads as follows: "Whenever it shall satisfactorily appear that any person has received the highest number of votes for any office, the canvassers shall give to such persons a certificate of his election, notwithstanding the provisions of law may not have been fully complied with in noticing or conducting the election, so that the real will of the people may not be defeated by any informality."

If the sacred right of voting cannot be preserved in its purity and in security, our elections are not only a farce, but the very forms are changed in arriving at results, that are crimes deserving the severest punishment. He that would steal your property should not be held in such great detestation, nor sunk to so low a depth of infamy as he who would steal away the great birthright of your freedom—that which marks the American citizen, however poor he may be in this world's goods, as greater and nobler than the citizens of all other countries.

It is folly to talk about "law and *order*," if the law is administered on the principle that "might makes right," and justice to be thought of only as "a good practical joke," to be rung in the ears of those stricken down by the hand of power and crime.

I would call your attention, also, to the fact that Congress appropriated money on an estimate for a forty day's session of each Territorial Legislature. About one-half of that time has already expired, and less than twenty of the forty days remain as working days. To make the regular and special sessions, united, conform to the appropriations, would be an object of great importance, and, I hope, will not be overlooked. By close application, a great number of laws can, in that time, be prepared and passed; all, in fact, of a general character, that are required for the Territory. Any possible aid which I can give you, in your endeavors to reach so desirable an end, will be cheerfully rendered.

I feel the greater anxiety on this subject from the consideration that there is a possibility, and I might say a great probability, that any additional expense, by prolonging this session to more than three weeks, may be thrown upon the tax payers of the Territory, already borne down with levies for revenue of various characters.

Onerous taxes and burdensome public debts are driving many citizens from the States East of us into the newly settled countries farther West, and as Experience is a wholesome teacher, let us strive to avoid the error of others, and build for ourselves a name which will redound to our advantage.

Capital will not seek investment in our rich prairies if taxes amount to rents and rents approach the full worth of the property. When Kansas boasts of being a "free State," let it be free indeed—free from burdens which render the white man a slave to the public necessities, and a day-laborer to supply the demands brought upon him by the improvidence of public servants.

The report of the Auditor of the Territory, which is prepared and ready to be delivered to you, presents some startling facts, to which I hope your attention will be drawn. You will see, by the report of the Auditor, that one very heavy drain upon the Territorial Treasury is the expenses of laying out Territorial Roads. Many of these roads are merely surveys, and may never be heard of again. Some may be opened and used, but I fear they are, many of them, more a matter of expense and speculation than anything else. As numerous similar applications will be made to you, I feel it my duty to refer to it for the purpose of securing caution in authorizing them.

I herewith transmit the report of the Treasurer of the Territory. Some provision should be made to secure a proper room and furniture for the use of the Treasurer's office, to which your attention is called in his report. I very respectfully refer you to the subject.

Anxious for the honor, the peace and welfare of our Territory, I have taken the privilege of convening you in Extraordinary Session, believing my duty and the interest of the common weal demanded it. I trust to the future as a justification of my action. While I shall hold myself free to condemn what my judgment instructs me is wrong in others, I shall not use an official position for unwarrantable purposes. In looking over the broad face of this God-favored country, we see but too many indications of an unsettled public mind and disordered public sentiment for the patriot, philosopher and statesman to let pass unobserved or unheeded, and which leaves doubts of tha glorious and united future which alone can secure to the pages of history the gratifying record that our grand experiment of self-government was not a failure.

The privilege to differ, is a part of the inheritance of our freedom; but if to differ in the tenets of the church, is to destroy vital religion—and to differ in State, is to root out every patriotic throb of the heart and blot out all written law, then we have been been sent on an errand by our fathers—not of mercy to mankind, but of disappointment and destruction to ourselves.

S. MEDARY.

Mr. Parks moved that the message be spread upon the Journal, and five hundred copies be printed.

Mr. Rankin moved to amend by inserting one thousand.

The amendment prevailed.

AUDITOR'S REPORT.

AUDITOR'S OFFICE, KANSAS TERRITORY,
LECOMPTON, Jan. 2, 1860.

To the Honorable the Council and House of Representatives of the Territory of Kansas.

GENTLEMEN:

In compliance with the provisions of law governing this office, I have the honor herewith to submit my report of the financial condition of the Treasury Department of the Territory of Kansas for the last fiscal year ending December 31st, A. D. 1859.

The law contemplates that the first Monday of December shall be the close of each fiscal year, but I have closed this report with the last day in the calender, believing it to be the most appropriate, as the Legislative Assembly convenes about this time, and it will thus enable them to understand the condition of the Territorial Revenue at the commencement of each new year. Upon reference to EXHIBIT "A" will be found a statement of the condition of the Revenue and amount of Expenditures of the Territory ending December 31st, 1859. Upon examination of this Exhibit will be found that the liabilities over and above all resources (reported) are $32,117.86; this amount, $32,117.86, would be considerably reduced if all the counties had reported the assessments for the year 1858. The counties of Brown, Shawnee, Pottawattomie, Riley and others have not reported to this office the amount of assessments for the year 1858, although taxes have been collected in those counties, and in some cases (Brown and Riley) have paid Revenues into the Treasury for 1858. You will also bear in mind that owing to the failure of the last Legislature to provide for a Territorial Tax for 1859, no assessment is stated in Exhibit "A" which would have properly come in this account, and would have shown the resources of the Territory over and above all liabilities some Twenty Thousand Dollars.

EXHIBIT B.

Shows the account with the Treasurer of the Territory; the whole amount of Revenue paid into the Treasury during the year to be ($77,995.66—51,451.60—26,544.06) Twenty-six Thousand Five Hundred and Forty-four Dollars and Six Cents.

The amount of Warrants issued upon the Treasurer during the year is $62,409.25; deducting the amount of Revenue paid during the year from the amount of the Warrants issued ($62,409.25—26,544.06) leaves a balance of outstanding and unpaid Warrants for the year 1859 to be $35,865.19.

RECAPITULATION.

It will be seen from this Exhibit that the whole amount of Revenue paid into the Treasury of the Territory from the organization of the Territory to January 1st, 1860 is ($83,728.14—51,451.60—32,276.54) Thirty-two Thousand Two Hundred and Seventy-six Dollars and Fifty-four Cents. The amount of Warrants issued upon the Treasury from the organization to date is $83,728.14.

EXHIBIT D.

The amount of Revenue due the Territory from sundry counties on account of Taxes levied prior to the year 1859, will be seen, by reference to Exhibit "D," to be Twenty-seven Thousand Two Hundred and Ninety-six Dollars and Sixty-seven Cents; this includes the amount of assessments made in the years 1856, 1857, and a part of 1858.

It is certainly very desirable that the fiscal affairs of the Territory should be concisely and clearly stated by the Auditor, who is the chief accountant, so that your Honorable body could perfectly understand and provide all remedies and amendments to the Revenue law that might be necessary.

The Exhibit shows many of the counties in arrears. It seems impossible to arrive at a proper understanding of the accounts by correspondence, and there are no funds placed at the disposal of of the Auditor to pay for printed circulars of instructions—to employ attorneys to bring suits against the delinquent collectors in behalf of the Territory, or to enable him to visit in person the several counties in arrears, for it is only by some such means that an equitable adjustment can be made, particularly if counties persist in withholding their proper returns. No want of county organization can be alleged as an excuse for the failure of county officers to perform their duties prescribed by law, as every member of your Honorable body received a certificate of election from the County Board of Canvassers.

It would have been supposed that the damages to be charged to delinquent collectors would have been sufficient inducement to secure prompt payment on the part of collectors of Revenue, but up to this time they have failed to discharge their duties toward the Territory in such manner that the Auditor is unable to state the accounts with the counties as clearly and fully as he would desire. In my report to the Legislative Assembly of 1859, I took occasion to say that no steps were being taken to collect these Taxes.

The last Legislature (1858) fixing the rate of Territorial Tax, provided that no part of new Tax (1858) should be appropriated toward paying the old debts of the Territory (1856 and 1857); and, however unwarranted and unjust this provision may be regarded, common consistency would require provisions being made for the speedy collection of the old (1856 and 1857) Taxes.

I believe the Legislature paid no attention to this recommendation; and, with the exception of one or two counties, there has not been any effort made to collect these Taxes, as you will perceive a part of the Taxes of 1858 are still due and unpaid. Many of the counties have not reported the assessment of 1858 at all, and the Auditor has no means of knowing what amount to charge them or what is still due; thus, the counties of Brown and Riley, as before referred to, have paid in some Revenue of 1858, but are not yet charged with the amount due the Territory, because of the failure of the County Clerk to send to this office the assessment returns. The county of Shawnee has not reported to this office any assessment for 1858 and 1859, yet Territorial Taxes have been collected in that county nearly a year ago. Pottawattomie and Franklin Counties are about in the same condition. The policy of extending the time for the collection of Taxes in some counties, or in a manner relieving them from the responsibility imposed upon them by law, certainly tends to make them still more neglectful and regardless of their imperative duty; and for this, and for other considerations, an inauguration of such a policy is deemed injudicious, unwise and unsatisfactory. The people of Kansas are willing to pay the just and necessary expenses of the Territorial Government when they are all taxed and required to pay equally alike.

EXHIBIT E.

Under this head is shown the actual indebtedness of Kansas Territory on all accounts, including Warrants outstanding, sundry accounts audited, for which no appropriations have been made, to be $60,431.17.

It will be seen from this Exhibit that the Territorial debt has been increased during the year 1859 $36,727.09. Example: Territorial debt January 1st, 1859, $23,704.08; deducted from debt January 1st, 1860, which is $60,431.17, leaves $36,727.09. This increase of debt can very readily be understood by an examination of Exhibit "A," showing that the Legislative expenses of 1858; the Leavenworth Constitutional Convention expenses in 1858; the expenses of the Board of Commissioners to investigate election frauds in 1857 and 1858, and sundry other accounts of 1858, have all been audited during the year 1859.

EXHIBIT F.

Showing the amount of appropriations made by law for sundry objects for the year 1859, amounts paid in pursuance of the same, and balance unexpended.

You will see from an examination that I have not exceeded the appropriation in any one case.

The expenses of the Legislative Assembly of 1859 exceeded the appropriation (which was $5,000.00) $5,800.00. I have refused to audit the same until further legislation. The expense of the Wyandott Constitution will exceed the appropriation about $15,000.00; this will include sundry accounts, such as printing proclamations relative to vote on the Constitution, the election under the same for State officers, &c. These deficiencies can be supplied by such legislation as you in your assembled wisdom may think proper to enact.

EXHIBIT G.

Shows such appropriations made previous to the year of 1859, upon which a balance still remains unexpended, and amounts paid upon the same.

EXHIBIT H.

Shows the valuation of taxable property in each County, as reported to the Board of Equalization by the Clerks of the Boards of Supervisors for the year 1859; total amount, $8,710,680.45.

Upon examination of this Exhibit it will be found that only eleven out of thirty counties have reported the assessment of 1859. The aggregate amount of taxable property in the nineteen counties not yet reported, upon a comparative estimate, would amount to at least $6,500,000.00, making in all about $15,000,000.00. This is the only basis for taxation I can present, as the Exhibit shows, the Clerks of Boards of Supervisors have failed to report the abstract of assessments for their respective counties, as required by law (see Statutes of 1858, Chap. 66, Sec. 35.) Neither can I report to you anything like a correct estimate of the probable expenses of the Territorial Government for the ensuing year, as you are well aware this will much depend upon your legislation, and therefore cannot be foreseen or estimated by the Auditor.

EXHIBIT I.

Showing sundry Accounts filed in the Auditor's Office, against the Territory of Kansas, for which there are no appropriations.

The claimants will give you all the information that you may desire in regard to these accounts. You will notice, in these accounts, the claim of Frank W. Roberts, for two large iron safes, furnished for the Auditor's and Treasurer's Offices. These safes were delivered in Lecompton for $1,383.00. They are regarded as the best and most reliable safes known in this country, and are admirably adapted for the purposes for which they were intended. It is needless, here, to say how much such safes were needed by the Fiscal Officers of the Territory; the loss and damage that might occur to the Territory by fire, without these safes, would be more than the cost of a dozen such safes. They are very large, and will be amply sufficient for the Territorial or State Officers for many years.

You will also find, in this Exhibit, the accounts of the several Clerks of the United States District Courts, for fee bills in criminal cases, where the costs were adjudged against the Territory of Kansas, as appears by the fee bills issued in such cases, according to the provisions of "An Act concerning costs," Art. 2d, in the Kansas Statutes of 1855. Said costs adjudged against the Territory according to the provisions of sections 1 and 3, page 201; also sections 5, 8, and 9, page 202, and section 11, page 203 of the Statutes of 1855. Said fee bills were issued in accordance with the provisions of section 20, page 204, same Statutes, and were examined by the Judge and Prosecuting Attorney of said Court, according to provisions of section 21, page 204 of the same Statutes. Said original fee bills were filed in the Clerk's Office of said Court, and copies thereof certified to the Auditor of Public Accounts for payment, according to the provisions of section 22, pages 204 and 205, same Statutes.

EXHIBIT J.

Showing the amount of Certificates of Awards (issued by the Claim Commissioners appointed by the last Legislature,) and amount of Claim Warrants issued upon the Treasurer of the Territory, in accordance with the provisions of "An Act to provide for the Adjustment and Payment of Claims."

Whole amount of Certificates of Awards audited to date, $349,933.63, and amount of Claim Warrants issued, $349,933.63. The duties of the Auditor, in relation to the Claim Debt of Kansas, are specifically defined in the eleventh section of "An Act to provide for the Adjustment and Payment of Claims," which provides: "It shall be the duty of the Auditor of the Territory, upon the delivery, to him, of any Certificate of Award given by said Commissioners, to draw his Warrant on the Treasurer of the Territory, in such sums as may be required for the amount therein named, in favor of the party to whom such Award has been made, or to his order, and deliver the same on demand." In accordance with that section, defining my duties, I have issued Warrants upon the Treasurer, the following being a copy:

COPY OF WARRANT:

$———. No. ———.

CLAIM DEBT OF KANSAS TERRITORY.

AUDITOR'S OFFICE,
Lecompton, Kansas.

Treasurer of the Territory of Kansas will pay to ——— ———, or order, the sum of ——— dollars, in accordance with the provisions of an act, entitled "An Act to provide for the Adjustment and Payment of Claims." Approved February 7, 1859.

Witness my hand and Official seal at the Auditor's Office, Lecompton, K. T., this, — day of ———, in the year 18—.

——— ———, *Auditor.*

No provision will be found in the "Act Supplementary to An Act, entitled 'An Act to provide for the payment of Claims,'" affecting, or repealing, the duties of the Auditor, as defined in section 11, chapter 21, of "An Act to provide for the Adjustment and Payment of Claims." The Supplementary Act purports to be supplementary to a different act, (which never become a law,) and it is doubtful if it can be construed in connection with the Act for the Adjustment and Payment of Claims. But if it should be so construed, it does not change or alter the duties of the Auditor. But, however, before issuing the Claim Warrants, I consulted Hon. Wilson Shannon, one of the most eminent and distinguished jurists in the country, who gave me his written opinion at length, fully sustaining the issue of Warrants, in accordance with the eleventh section of the Act to provide for Adjustment and Payment of Claims. From his known ability and long experience in Public affairs I felt no doubt as to the correctness of his construction of the law. I also have the opinion of other able lawyers, sustaining the same view. I therefore accordingly issued the Warrants in accordance with the law.

The foregoing Exhibits are all that I deem necessary to give a full and explicit statement of the financial condition of the Territory.

Before closing the Report, I beg leave to call your attention to some facts in relation to the collection of the "Revenue." Several of the Counties have taken the position that they (the County Board of Supervisors) have the power to remit the Territorial Taxes, on account of illegal assessments, without supplying the deficit thus created. The County Board of Johnson County have authorized the County Treasurer to withhold in his hands two hundred dollars of the Territorial Tax, to be refunded to persons having paid a double or erroneous tax. Lykins County relinquished the Territorial Tax on account of irregular assessments. These Counties have not taken any steps to supply the deficit thus occasioned. Some Counties have returned a delinquent list for the Territorial Tax. I know of no law authorizing the County Boards to remit Territorial Taxes, or allow a delinquent list to County Treasurers on settlement. The law contemplates that the *whole amount* of the Territorial Taxes shall be paid, although it may create a deficit in the Town or County funds. There is no provision of law authorizing the Auditor to credit the Counties with delinquent lists. The law (see Chap. 16, Sec. 8, Statutes 1859) provides that Territorial Warrantns, issued after the first of December, 1857, shall be received in payment of taxes, and further provides that only so much Territorial Taxes as shall have been actually collected shall be paid by Town Treasurers to County Treasurers, and by them to the Territorial Treasurer." This provision is in direct confliction with the spirit and letter of the general Tax Law. It is obviously a mistake on the part of the last Legislature. They doubtless collected "only so much Territorial *Warrants* (instead of taxes) as shall have been actually collected, shall be paid by Town Treasurers to County Treasurers, and by them to the Territorial Treasurer," for otherwise it will conflict with Sec. 65, chapter 66, Statutes 1858, which provides, that in every case the Township Treasurer shall pay over the *full* amount of Territorial Tax, though it may occasion a deficiency in the Township Taxes." Section 77, chapter 66, requires that "the County Treasurer shall first retain the amount of Territorial Taxes, which shall have been collected and paid over to him before paying out any money to the County or for other purposes." Section 81 provides that "on the second Monday of February, in each year, the County Treasurer shall pay over the whole amount of Territorial taxes charged to their respective Counties." There is no relief provided for the Territory if the County Treasurers are allowed to return a Territorial delinquent list. Under the law, the Counties are to assume all delinquencies, and provide for them. Section 109, chapter 66, Statutes 1858, provides that "if, on account of erroneous assessment, tax cannot be collected, the Board of Supervisors shall raise the said tax, or so much thereof as would have belonged to County and State (Territory) upon the proper Town or Ward." The Counties have other means of security—the purchase of tax title. Another provision of the law provides that Townships shall be responsible for the action of Township Officers; County, likewise, responsible for the actions of County Officers. Warrant holders have frequently applied to me, during the last year, for relief in certain cases, viz:—loss of Warrants upon the Territorial Treasurer; also, for re-issues of Warrants in smaller sums. In regard to the loss of Warrants by fire or otherwise, I leave it to your consideration, but to re-issue Warrants in smaller sums, by surrender of the original Warrant, would certainly be complicating and impracticable, as the law provides: The Auditor shall certify to the Treasurer whenever he issues a Warrant on the Treasurer, and also keep a record of the same, name of the payee, date, amount, and number. Application has frequently been made at this office, by persons who formed a part of the posse of the United States Marshal to suppress disturbances in the Southern part of Kansas. A Memorial to the General Government, by your Honorable Body, would doubtless secure full payment for their prompt and patriotic services, and also payment for the supplies furnished by the citizens to the posse. I would also call your attention to the claim for services of the "Linn County Volunteers," commanded by the late Captain A. J. Weaver, in suppressing disturbances in Bourbon and Linn Counties. Hon. J. W. Denver, who had called this company into active service, afterwards applied at Washington, and used every means to secure payment from the General Government, but failed, and they have no hope but from allowance by the Territory. The lamented end of Capt. A. J. Weaver is well known to the country. He was a gallant soldier and a patriotic citizen, who fell, unhappily as it was, in the service of the Territory, defending the law, and supporting the constituted authorities. He contributed all his time, his talents, and money, towards restoring peace and security to the land, and in reference to this claim, I will take occasion to repeat my recommendation made to the last Legislature, who failed to make any provision in regard it. For the purpose of suppressing disturbances in Bourbon and Linn Counties, Governor J. W. Denver called into active service an organized company of Volunteers, commanded by Capt. A. J. Weaver, whose duty it was made to suppress disturbances, prevent marauding, maintain order, and support the constituted authorities in the execution of the laws, the compensation of the said Volunteer Company, according to Gov. J. W. Denver's instructions, should be the same as allowed United States soldiers for similar service.

When it was believed that peace and good order had been restored, (which was not the case, as he was again called into the field) the company was disbanded, and the Captain on behalf of said Company applied to this Office for the pay of their services. The Appropriation made for this purpose (see chapter 2nd, Sec. 1 Statutes, 1858,) is insufficient, and I only issued Warrants (amounting to $1,431.60 cents, See. Exhibit No. 1,) for a part of their subsistance account. The whole debt will be about Ten Thousand Dollars, and as this Company has shown a public and self-sacrificing spirit, enduring privations, incurring private losses, for the purpose of preserving the peace, protecting the lives and property of peaceable Citizens of the Territory from the ravages of murderers, robbers and outlaws, it is due to them—it is due to the dignity and credit of the Territory, that liberal provisions should be made compensating them for their services.

The law governing the Auditor's Office, provides that the Auditor shall from time to time, issue such "forms" and instructions, as may be needed by the different Officers transacting business for the Territory. It is necessary to pass an appropriation, to enable the Auditor to perform such duties, for I have paid the expenses of this office, for several years, have reported the Bills for allowance, to each Legislature, but have not received any appropriation.

My claim against the Territory, for services as Commissioner to Audit claims 1857, Freight on Library, Express charges on Boxes of Books, sent by the Department of State; Contingent expenses, such as *postage*, stationery, fuel &c., including the incidental expenses, during last year, amounts to Seven Hundred Dollars. The law provides that (see Sec. 18, chapter 12, Statutes 1859,) All books, maps, stationery, furniture, fuel and other necessaries for the use of the Auditor's Office, are to be furnished at the expense of the Territory. I therefore respectfully ask an appropriation for the same.

The law provides that the Auditor shall have $800.00 in Warrants and fees for his services per annum. I would respectfully recommend a change, the Auditor should receive a sufficient stipulated salary ($1,500.00,) and have no fees, this change would be satisfactory to all persons having business with the Office. It seems inconsistant with justice that a Legislature who allowed Clerks of their body *six and seven hundred* dollars for forty day's work, could be so illiberal as to have reduced the Auditor's Salary, from fifteen hundred to eight hundred dollars, but such was the case. There is certainly much propriety for the increase of the Auditor's salary.

The duties of the Auditor's Office are by no means insignificant, but on the contrary, are increasing in importance, and are becoming every year more laborious and intricate. During the past year, I have devoted my whole time and energies in the discharge of my Official duties, of a detailed statement is now before you, and you can judge if I have performed the duties faithfully and satisfactorily, and will leave the matter to your consideration and sense of justice. I would however, say, that I have been necessitated to employ Clerks to assist me in the office, and have paid them out of my own pocket.

In conclusion, I would beg leave to assure your Honorable Body that if the condition of the Revenue as stated in this Report, is not clearly understood, it would afford me pleasure to give such additional information or explanations as may be desired. And I will cordially co-operate to carry out any course of policy, that may be deemed wise and expedient to insure a just and frugal administration of the fiscal affairs of the Territory. All of which is respectfully submitted.

H. J. STRICKLER.
Auditor.

EXHIBIT A.

General Account of Kansas Territory, showing Expenditures and Resources for the Fiscal Year ending December, 31st, 1859.

KANSAS TERRITORY, **Dr.**

1859				
Dec. 31.	To	Committee to examine Treasury Department	$ 111 00	
"		Collecting Revenue,	438 00	
"		Codifying Commissioners,	1,170 00	
"		Leavenworth Convention and Legislative expenses,	14,504 00	
"		Commissioners to Audit Claims,	5,808 77	
"		Committee to Investigate Election Frauds,	3,027 79	
"		Territorial Roads,	11,769 63	
"		Sundries Auditor's and Treasurer's account,	4,681 04	
"		Constitutional Convention of 1859, (Wyandott,)	9,997 60	
"		Do do " 1857,	577 50	
		Legislative Expenses " 1859,	4,997 70	
"		Judiciary Special Term District Court,	693 31	
"		Geo. W. Brown, Printing School Forms and Laws,	160 00	
"		John Kendall, Special Messenger to the Governor of Missouri,	**504 00**	
"		Funding Debt,	499 47	
"		Superintendent of Com. Schools,	1,500 00	
"		Widow of A. J. Weaver,	500 00	
"		Committee to Postpone Land Sale	750 00	
"		John Doy and Son,	1,000 00	
"		Leavenworth County Revenue paid	13,325 56	
"		Doniphan do do do	1,052 98	
"		Atchison do do do	3,902 38	
"		Linn do do do	489 55	
"		Lykins do do do	1,475 84	
"		Johnson do do do	924 81	
"		Breckenridge do do do	468 39	
"		Jackson do do do	702 62	
"		Riley do do do	232 67	
"		Brown do do do	790 00	
"		Douglas do do do	3,348 90	
"		Nemaha do do do	361 23	$89,766.98

KANSAS TERRITORY **Cr.**

1859.				
Dec. 31.	By	Balance, per Report of Auditor, Dec. 31, 1858	$14,543 88	
"		Treasurer, Revenue paid (Warrants Redeemed,)	26,544 06	
"		Atchison County Assessments for 1858	4,590 66	
"		Jackson	1,100 90	
"		Johnson	2,737 39	
"		Breckinridge	679 58	
"		Nemaha	427 13	
"		Lykins	210 10	
"		Doniphan	2,355 66	
"		Linn	687 11	
"		Franklin	874 63	
"		Jefferson	2,898 02	
"		Balance Liabilities	32,117 86	$89,766 98

AUDITOR'S OFFICE, LECOMPTON, K. T.,
December 31, 1859.

H. J. STRICKLER, *Auditor.*

EXHIBIT B.

Showing the condition of the Territorial Treasury Dec. 31, 1859, including all transactions previous to 1st of January, 1860.

TREASURER OF KANSAS. Dr.

Date			Amount	Total
1859.				
Dec. 31.	To	Doniphan County Revenue of 1858	$1,052 98	
"		Atchison	3,902 38	
"		Leavenworth	13,051 95	
"		Linn	489 65	
"		Lykins	1,218 48	
"		Johnson	924 81	
"		Breckinridge	468 39	
"		Jackson	702 62	
"		Riley	232 67	
"		Douglas	3,348 90	
"		Nemaha	361 23	
"		Brown	790 00	
"		Balance, (Warrants Outstanding,)	51,451 60	$77,995 66

TREASURER OF KANSAS Cr.

Date			Amount	Total
1859.				
Dec. 31.	By	Balance per Report of Dec. 31, 1858	$15,586 41	
"		Warrants issued during the year 1859	62,409 25	$77,994 66

AUDITOR'S OFFICE, LECOMPTON, K. T.,
December 31, 1859.

H. J. STRICKLER,
Auditor.

RECAPITULATION.

Date			Amount	Total
1859.				Dr.
Dec. 31.	To	Amount Revenue paid into Treasury in 1856	$1,811 88	
"		" " " " 1857	3,239 48	
"		" " " " 1858	681 12	
"		" " " " 1859	26,544 06	
"		Balance (Whole number of Warrants Outstanding)	51,451 60	$83,728 14

Date			Amount	Total
1859.				Cr.
Dec. 31.	By	Amount Warrants issued up to Feb'y 1, 1857	$5,211 48	
"		Amount Warrants issued up to Jan'y 1, 1858.	11,604 47	
"		Amount Warrants issued up to Jan'y 1. 1859.	4,502 93	
"		Amount Warrants issued up to Jan'y 1, 1860.	62,409 26	$83,728 14

AUDITOR'S OFFICE, LECOMPTON, K. T.,
December, 31, 1859.

H. J. STRICKLER,
Auditor.

EXHIBIT D.

Statement showing the Balance due from sundry counties on account of Taxes Assessed previous to and including the year 1858.

County of	Atchison	$1,865 28
"	Anderson	680 32
"	Bourbon (No Assessment reported for 1858.)	444 85
"	Breckinridge	211 19
"	Brown (No Assessment reported.)	
"	Douglas	3,510 40
"	Franklin	874 63
"	Doniphan	2,477 60
"	Jefferson	2,898 02
"	Jackson	1,772 86
"	Johnson	1,983 13
"	Nemaha	65 90
"	Leavenworth	9,024 24
"	Lykins	1,005 79
"	Linn	482 46
"	Riley (No Assessment reported)	
		$27,296 67

AUDITOR'S OFFICE, LECOMPTON, K. T.,
December 31, 1859,

H. J. STRICKLER,
Auditor.

EXHIBIT E.

Showing the actual indebtedness of the Territory on all accounts to Dec. 31, 1859, *after deducting amount credited sundry counties, but not paid as per exhibit D.*

To Indebtedness to January 1, 1859	$23,704 08	
Warrants issued and unpaid for 1859	35,865 19	
Claims adjusted during the Fiscal year, for which no Appropriations have been made viz:		
To Incidental Expenses of Library, etc. Auditor's Office for the year 1859	197 90	
John Kendall, for services and expenses as special Messenger bearing Requisition to the Gov. of Mo.	504 00	
G. W. Brown, Printing Forms and Laws for School Superintendents	160 00	$60,431 17

AUDITOR'S OFFICE, LECOMPTON, K. T.,
December 31, 1859.

H. J. STRICKLER,
Auditor.

EXHIBIT F.

Showing the amount of Appropriations made by Law for sundry objects for the year 1859. *Amounts paid in pursuance of same and balance unexpended.*

	Appropriation.	Expended.	Unexpended.
For salary of the Auditor	$ 800 00	$ 800 00	
" Office rent of "	100 00	100 00	
" Salary of the Treasurer	800 00	800 00	
" Office rent of "	100 00	100 00	
" Salary of the Librarian and rent of library rooms	200 00	200 00	
" Salary of Territorial Superintendant of Common Schools	1,500 00	1,500 00	
" Payment of R. Morrow, J. M. Winchel and C. Branscomb, for going to Washington to procure postponement of land sales	750 00	750 00	
" the widow of A. J. Weaver	500 00	500 00	
" Payment of scrip of Leavenworth Convention and for the Legislative expenses of 1858	15,500 00	14,404 00	496 00
" Locating and constructing Territorial roads	20,000 00	11,769 63	8,230 37
" Legislative expenses of 1859	5,000 00	4,997 70	2 30
" Codifying Commissioners	1,250 00	1,170 00	80 00
" Judiciary special term District Court	1,500 90	693 31	806 69
" Counsel to defend John Doy and son	1,000 00	1,000 00	
" Expenses of Treasurer Funding Debt of Kansas Territory	500 00	499 47	53
" Formation of Constitution (Wyandott)	10,000 00	9,997 60	2 40

AUDITOR'S OFFICE, LECOMPTON, K. T.,
December 31, 1859.

H. J. STRICKLER,
Auditor.

EXHIBIT G.

Showing the amount of Appropriations made by Law for sundry objects for the year 1858. *Amounts paid in pursuance of same and balance unexpended.*

	Appropriation.	Expended.	Unexpended.
Expenses Collectors of Public Revenue appropriated 1858	$ 5,000 00	438 14	4,561 86
" Committee to Investigate Election Frauds, 1858	10,000 00	3,027 79	6,972 21
" Superintendent Public Schools	2,000 00	210 00	1,790 00
" Holding Constitutional Convention	10,000 00	7,085 50	2,914 50

AUDITOR'S OFFICE, LECOMPTON, K. T.,
December 31, 1859.

H. J. STRICKLER,
Auditor.

EXHIBIT H.

Showing the valuation of taxable property in each county as reported to the Auditor's Office by the County Boards of Supervisors for the year 1859.

County of	Osage, (only one township)	$ 59,835 00
"	Lykins	1,206,336 00
"	Linn	422,428 00
"	Leavenworth	4,655,363 20
"	Morris	47,505 00
"	Douglas	742,467 00
"	Anderson	369,004 00
"	Doniphan, (personal property only)	342,122 00
"	Wyandott	68,275 00
"	Bourbon	85,050 25
"	Jefferson	712,295 00
"	Brown	
"	Nemaha, (not reported)	
"	Marshall, "	
"	Pottawattomie, Jackson, Atchison, Johnson, Shawnee, Wabaunsee, Davis, Chase, Breckinridge, Madison, Coffee, Butler, Woodson, Franklin, Riley, Allen	

AUDITOR'S OFFICE, LECOMPTON, K. T.,
December 31, 1859.

H. J. STRICKLER,
Auditor.

EXHIBIT I.

Showing sundry accounts filed in the Auditor's office against the Territory of Kansas, for which there are no appropriations, and the Auditor has declined to audit until further legislation is had.

1859.			
Dec. 31.	W. H. Gill & Co., for publishing Governor's proclamation and other official notices		$ 118 00
"	Frank W. Roberts, for furnishing to the Territory one Auditor's safe	$700 00	
"	Frank W. Roberts, for furnishing to the Territory one Treasurer's safe	550 00	
"	Frank W. Roberts, for furnishing freight on above safes from St. Louis	133 00	1,383 00
"	Cummings & Shepperd, for publishing notice of General Election		33 00
"	Cummings & Shepperd, for publishing proclamation of Board of State Canvasses, calling an election for State Officers		27 00
"	S. N. Wood, for publishing Governor's proclamation and other official notices		75 00
"	Caleb May, member of Wyandott Constitutional Convention		105 00
"	R. St. Clair Graham, Enrolling Clerk of Wyandott Constitutional Convention		75 00
"	John A. Martin, Secretary of Wyandott Constitutional Convention		90 00
"	S. D. McDonald, Printer of Wyandott Constitutional Convention		100 00
"	do. do. do. do. do.		100 00
"	John J. Ingalls, services of Wyandott Constitutional Convention		15 00
"	S. D. McDonald, Printer of Wyandott Constitutional Convention		750 00

EXHIBIT I—*Continued.*

Dec. 31.	J. P. Wood, for boarding, lodging and furnishing stoves, wood, bedding &c., to prisoners in charge of the U. S. Marshal 1856	$5,292 00
“	A. J. Mead, expenses of providing furniture for Western District Recorder's office	70 00
“	Chas. F. Kob, for translating and publishing Governor's messages and proclamation	124 00
“	Daniel Auld, for taking census of Marshal county, attending expenses, &c., 1858	90 00
“	P. Sidney Post, for printing Governor's proclamation	30 00
“	Huson & Blacklidge, boarding John Salathiel, a convict	35 00
“	Joel T. Moore, for assessing Leavenworth county, 1856	102 75
“	J. W. Biggers, for publishing Governor's proclamation and notice of general election	80 00
“	P. S. Post, for publishing Governor's proclamation	9 00
“	“ “ “ “ notice of general election	59 50
“	“ for publishing Governor's Thanksgiving proclamation	5 00
“	John T. Pigot, for one check book for Auditor	12 00
“	B. D. Castleman, sheriff Shawnee county, for arresting, guarding and boarding criminals where the Territory was a party	165 97
“	J. R. Whitehead, clerk 1st Judicial District Court, for fees of clerk and other officers of said court, in cases where the Territory was a party	2,661 70
“	L. McArthur, clerk of 2d Judicial District Court for fees of clerk and other officers of said court in cases where the Territory was a party	18,289 08
“	Charles P. Bullock, for account with vouchers filed with former Auditor for services as clerk 2d Judicial District Court in cases where the Territory was a party	500 00

AUDITOR'S OFFICE, LECOMPTON, K. T.,
December 31, 1859.

H. J. STRICKLER,
Auditor.

EXHIBIT J.

Showing the amount of awards of Claim Commissioners audited and warrants issued on the Treasurer in accordance with the provisions of the eleventh section of the act entitled "An Act to provide for the Adjustment and Payment of Claims."

	TERRITORY OF KANSAS.		DR.
1859.			
Dec. 31.	To amount of award of Claim Commissioners audited during the year 1859	$349,933 63	$349,933 63
1859.			CR.
Dec. 31.	By claim warrants issued	$349,933 63	$349,933 63

AUDITOR'S OFFICE, LECOMPTON, K. T.,
December 31, 1859.

H. J. STRICKLER,
Auditor.

Message from the Council:

MR. SPEAKER:—In accordance with the twenty-fourth section of Joint Rules of the Council and House, I am directed by the Council to inform your Honorable Body, that the Council have ordered one thousand copies of the Auditor's Report to be printed, three hundred for circulation by the Auditor, and the remainder for equal distribution among the members of the Council.

JOHN J. INGALLS,
Secretary.

Mr. Blake offered the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms be instructed to procure from the Secretary of the Territory, five dollars worth of postage stamps for each member and officer of this House.

On motion of Mr. Nelson, the House adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

TWO O'CLOCK.

House met pursuant to adjournment, and was

Called to order by the Speaker.

Mr. Scott moved that a Committee of three be appointed, for the purpose of referring the Governor's Message to the appropriate Standing Committees.

Carried.

The following gentlemen were appointed as such Committee, to wit:

Messrs. Scott, Wagstaff and Bartlett.

Mr. Rankin moved a call of the House.

Which was ordered, and

The Clerk proceeded to call the roll.

On motion of Mr. Wood, further proceedings under the call were dispensed with.

The report of the Territorial Treasurer was received, and its reading dispensed with.

TREASURER'S REPORT.

Treasurer's Office, Lecompton, K. T.,
January 2, A. D. 1860.

To the Legislative Assembly of the Territory of Kansas :

In accordance with the provisions of the Statute governing my office, I herewith transmit to your Honorable Body, a report of the condition of the Treasury Department of the Territory from the 1st day of January to the 31st day of December, A. D. 1859.

1859.						
Feb. 16.	Received of	Wm. Tholan,	Treasurer of	Leavenworth	Co.,	$4,040 46
July 13.	“ “	“	“ “	“	“	7,467 54
Dec. 31.	“ “	“	“ “	“	“	1,543 95
Jan. 13.	“ “	R. J. Porter,	“ “	Doniphan	“	445 43
June 3.	“ “	“	“ “	“	“	607 55
Jan. 13.	“ “	Chas. Holbert,	“ “	Atchison	“	11 28
Nov. 15.	“ “	“	“ “	“	“	1,705 48
Dec. 31.	“ “	“	“ “	“	“	2,185 62
June 14.	“ “	C. H. Stillwell,	“ “	Linn	“	489 65
July 15.	“ “	Wm. P. Dutton,	“ “	Lykins	“	738 50
Oct. 29.	“ “	“	“ “	“	“	737 34
June 23.	“ “	J. T. Burton,	“ “	Johnson	“	762 81
Nov. 15.	“ “	“	“ “	“	“	162 00
Nov. 15.	“ “	H. W. Fick,	“ “	Breckenridge	“	468 39
July 15.	“ “	A. Fuller,	“ “	Jackson	“	702 62
July 15.	“ “	A. Hunting,	“ “	Riley	“	232 67
July 18.	“ “	R. W. Tony,	“ “	Nemaha	“	361 23
June 29.	“ “	Sam'l Wade,	“ “	Brown	“	90 00
Nov. 15.	“ “	“	“ “	“	“	700 00
Nov. 15.	“ “	Wm. Yates,	“ “	Douglas	“	3,034 05
Dec. —.	“ “	“	“ “	“	“	314 85

Total amount of Revenue received in the year 1859..$26,801 42

Amount paid out by the Treasurer during the year 1859, on warrants drawn by the Auditor, together with warrants drawn by the Chairman of the Board elected by the Legislature to investigate Election Frauds..$26,801 42

Amount of Warrants redeemed and Territorial Bonds issued therefor, under the Statutes of 1859, payable January 1, A. D. 1865. $ 5,100 00

Total amount of Territorial Warrants redeemed during the year 1859..$31,901 42

Totol amount of Claim Warrants redeemed during the year 1859, and Claim Bonds issued in exchange therefor, redeemable January 1, 1865..$90,600 00

I desire to call your attention to the fact, that a large number of the organized counties of the Territory have not collected and paid over any tax for Territorial purposes during the year 1859. In my opinion the Territorial tax system should be entirely abolished, or make taxation equal on all the taxable property within the limits of the Territory. To accomplish this end, I am constrained to the belief that additional Legislation will be necessary.

In taking charge of the Treasury Department of this Territory, last April, I found nothing belonging to the Territory in the shape of furniture, stationery, or any security for the records and official papers belonging to that Department. Finding myself in this condition, and being under heavy bonds for the faithful performance of my official duty, I assumed the responsibility of ordering a safe, of sufficient size to secure the records of that Department for twenty years to come, on the credit of the Territory, from F. W. Roberts of the city of St. Louis, which has been delivered in good condition at the cost of $550, over and above the cost of transportation, which will fully appear in the Auditor's Report, for the payment of which I ask an appropriation.

In the Auditor's report you will learn fully as to the Territorial indebtedness, and the prospects for Revenue. I deem it unnecessary to trouble you with a repetition of the same subject matter. Referring you to his able and complete report for all information which you may require on this subject.

I subscribe myself your obedient servant,

ROBERT B. MITCHELL,

Treasurer of Kansas Territory.

CENSUS REPORT.

Names of Counties.	Names of Townships.	No of Voters.	Heads of Families not Voters	No. of Minors.	No. of Colored Persons.	Total.
Allen,	Cofachique,	175	97	349		621
"	Deer Creek,	117	2	197		316
"	Humboldt,	127	3	468	16	616
"	Geneva,	52		222		274
	Total,	471	102	1,236	16	1,827
Anderson,	Walker,	124	101	222		447
"	Jackon,	84	61	184		329
"	Washington,	54	5	131		190
"	Reeder,	80	5	275		360
"	Monroe,	174	122	341		637
	Total,	516	294	1,153		1,963

Names of Counties.	Names of Townships.	No. of Voters.	Heads of Families not Voters.	No of Minors.	No of Colored Persons.	Total.
Atchison,	Mt. Pleasant,	172	6	662	10	850
"	Kapioma,	53	2	142		197
"	Centre,	171	119	387	4	681
"	Walnut,	368	244	606	17	1,235
"	Lancaster,	116	81	259	1	457
"	Grasshopper,	83	55	165		303
	Total,	963	507	2,221	32	3,723
Bourbon,	Osage,	147	3	176		326
"	Timber Hill,	149	90	271		510
"	Freedom,	116	78	206		400
"	Dry Wood,	166	130	335		631
"	Marion,	144	77	252		474
"	Marmiton,	144	15	503		662
"	Scott,	196	110	365	9	680
	Total,	1,062	503	2,009	9	3,683
Butler,	Chelsea,	76	49	127		252
Breckenridge,	Waterloo,	75	13	269		357
"	Cottonwood,	105	63	159		327
"	Emporia,	170	88	283		541
"	Agnes City,	58	1	96		155
"	Americus,	118	117	124		359
	Total,	526	282	931		1,739
Brown,	Claytonville,	173	19	510		712
"	Walnut Creek,	165	5	366		536
"	Irving,	172	8	422		602
"	Locknane,	67	48	166		281
	Total,	577	80	1,464		2,131
Chase,		202	83	241	3	529
Clay,						
Coffey,	Avon,	130	102	273		505
"	Neosho,	96	79	177	1	353
"	Pottawattamie,	25	5	128		168
"	California,	84	214	5		303
"	Burlington,	144	40	90		274
"	Ottumwa,	128	65	182	1	376
	Total,	617	505	855	2	1,979
Davis not returned by townships,		258	1	427		685

Names of Counties.	Names of Townships.	No of Voters.	Heads of Families not Voters.	No of Minors.	No of Colored Persons.	Total.
Doniphan,	Iowa Point,	463	17	386	34	900
"	Wolf River,	174	6	470	16	666
"	Centre,	258	190	608		1,056
"	Burr Oak,	216	17	652	2	887
	Total,	1,111	230	2,116	52	3,509
Douglas,	Clinton,	303	24	633		960
"	Eudora,	103	56	116		275
"	Marion,	109	8	341	4	462
"	Willow Springs,	145	5	554		704
"	Palmyra,	432	7	1,026		1,465
"	Lawrence,	1,079	26	2,239	7	3,351
"	Lecompton,	449	15	623	14	1,101
	Total,	2,620	141	5,532	25	8,318
Dorn, no returns.						
Franklin,	Pottawattamie,	95	13	272		380
"	Centropolis,	206	6	511		723
"	Peoria,	142		423		565
"	Ohio,	131	76	235	6	448
	Total,	1,474	95	1,452	6	2,116
Greenwood, not returned by Townships,		186		473		659
Hunter, not returned by Townships,		110	59	186		355
Jackson,	Franklin,	188	121	346		655
"	Jefferson,	181	5	524		710
"	Douglas,	202	144	464	2	812
	Total,	571	270	1,334	2	2,177
Jefferson,	Grasshopper Falls,	249	21	524	5	799
"	Jefferson,	162	3	466	7	638
"	Oskaloosa,	220	34	627		881
"	Osawkee,	94	11	193		298
"	Kaw,	61	40	111		212
"	Kentucky,	121	21	397		539
	Total,	907	130	2,318	12	3,367

Names of Counties.	Names of Townships.	No. of Voters.	Heads of Families not Voters.	No. of Minors.	No. of Colored Persons.	Total.
Johnson,	Monticello,	82	1	150	4	236
"	Gardner,	139	5	272		416
"	Shawnee,	200	135	441	30	806
"	Olathe,	165	8	388		561
"	Oxford,	84	2	250		336
"	Aubary,	55	5	157	2	219
"	McCamish,	92		267		359
"	Spring Hill,	53	37	74		164
	Total,	870	193	2,691	36	3,090
Leavenworth,	Leavenworth,	2,671	571	5,485	134	8,861
"	Alexandria,	108	14	579	3	704
"	Stranger,	187	143	396	12	738
"	Easton,	184	7	586	14	791
"	Delaware,	295	150	559	24	1,028
	Total,	3,445	885	7,605	187	12,122
Linn,	Centreville,	133	19	414		566
"	Mound City,	175	130	392		697
"	Scott,	211	127	425		763
"	Potosi,	197	9	561		767
"	Paris,	273	16	726		1,015
"	Liberty,	34	2	107		143
	Total,	1,023	303	2,625		3,951
Lykins,	Middle Creek,	55	6	131		192
"	Mound,	48		125		173
"	Osage,	91	44	271		406
"	Stanton,	106	5	322		433
"	Richland,	79	1	232	1	313
"	St. Marysville,	78	44	207		330
"	Osawatomie,	221	14	539		774
"	Paoli,	134	9	248		391
	Total,	812	123	2,075	1	3,012
Madison,	Hartford,	59	37	73		179
"	Centre,	68	10	121		199
"	Madison,	61	42	88		191
	Total,	188	89	282		559

Names of Counties.	Names of Townships.	No. of Voters.	Heads of Families not Voters.	No. of Minors.	No. of Colored Persons.	Total.
Marshall,	Vermillion,	102	10	332		444
McGee, no returns,						
Morris,	Grove,	1,991	1	370		569
Nemaha,	Red Vermillion,	56	41	100		197
"	Granada,	107	5	250		362
"	Clear Creek,	33	23	72		128
"	Capioma,	43	36	79		158
"	Valley,	69	60	131		260
"	Nemaha,	68	45	139		252
"	Home,	44	3	126		173
"	Richmond,	88	7	234		329
	Total,	508	220	1,131		1,859
Osage, no returns.						
Pottawattamie,	St. George,	73	2	124		199
"	Vienna,	78	67	160		305
	Total,	151	69	284		504
Riley, no returns.						
Shawnee,	Wakarusa,	94		198		292
"	Auburn,	207	103	305		615
"	Topeka,	309	199	361	8	877
"	Tecumseh,	268	170	504	2	944
"	Burlingame,	157	104	209		470
	Total,	1,035	576	1,577	10	3,198
Wabaunsee,	Alma,	79	45	101		225
"	Wilmington,	69	34	97		200
"	Wabaunsee,	73	39	102		214
"	Mission Creek,	38	21	55		114
	Total,	259	139	355		753
Washington, not returned by Townships,		60	2	166		228
Wilson, no returns.						
Wyandott,		539	37	1,171	13	1,760
Woodson,	Belmont,	52	41	81		174
"	Neosho Falls,	104	28	293		425
"	Liberty,	34	3	73		110
	Total,	190	72	447		709

Mr. Morton moved a call of the House.

Which was agreed to, and

The Secretary proceeded to call the roll, which being done,

The Sergeant-at-Arms was ordered to bring in the absentees.

On motion of Mr. Elliott, the further call was dispensed with.

On motion of Mr. McMath, a further call of the House was ordered, and

The Sergeant-at-Arms ordered to bring in the absentees, which being done.

On motion of Mr. Sheldon, the further call was dispensed with.

Message from the Council:

MR. SPEAKER:—I am directed by the Council to inform your Honorable Body, that the Council have passed the Joint Resolutions which were returned by the Governor with his objections (a copy of which is appended hereto) the objections of the Governor to the contrary notwithstanding.

JOHN J. INGALLS,
Secretary.

Message from the Governor:

To the Council:

GENTLEMEN:—I hereby return the Joint Resolutions which originated in your Body, and passed January 19, 1860, to adjourn your Session to Lawrence. I gave my reasons for returning a similar resolution, in a message to the House of Representatives on the 5th inst., and those objections still existing, I hereby return the accompanying resolutions without my approval.

Very respectfully,
S. MEDARY.

The House then proceeded to reconsider the Joint Resolution of the Council, in relation to an adjournment to the City of Lawrence.

The Speaker stated the question to be "Shall the Joint Resolution pass, the Governor's objections to the contrary notwithstanding?"

The vote being taken, resulted as follows:

Yeas—29. Nays—8.

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Chandler, Canniff, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lindsay, McMath, Pierce, Morton, Nelson, Parks, Robertson, Rankin, Steward, Sims, Sheldon, Scott, Sopris, Wright, Wagstaff, Wood and Mr. Speaker.

Those voting in the negative were

Messrs. Blake, Cornwell, Lombard, Murphy, Noel, Reynolds, Vanderslice and Whitehead.

The Speaker declared that the Joint Resolution, having received a majority of two-thirds of the House, was passed, the Governor's objections to the contrary notwithstanding.

Mr. Blake moved that the House now adjourn.

Lost.

Mr. McMath offered the following resolution, which was adopted:

Resolved, By the House, the Council concurring therein, that the Sergeant-at-Arms of this House be, and is hereby required to notify Hugh S. Walsh, Esq., Secretary of the Territory of Kansas, that the Legislative Assembly will adjourn from the Capital of said Territory, this day, January 20th, 1860, at 4 o'clock, P. M., to meet in the City of Lawrence, in the county of Douglas and Territory of Kansas, on Saturday, January 21st, 1860, at 12 o'clock, M., to hold the remainder of the present session; and be it further

Resolved, That the said Sergeant-at-Arms is requested to ascertain, from the said Secretary, in writing, whether he intends to furnish the necessary printing, stationery, &c., &c., for both branches of the Legislative Assembly, while in session at the said City of Lawrence.

Mr. Nelson offered the following resolution, which was adopted:

Resolved, That a Committee of two on the part of the House, and one on the part of the Council be appointed, to inform the Governor of the passage of the Joint Resolution, his objections to the contrary notwithstanding.

The Chair appointed as said Committee, Messrs. Whitehead and Wright.

Message from the Council:

Mr. Speaker:—I am directed, by the Council, to inform your Honorable Body that the Council has concurred in the Resolution of the House, appointing a Committee to wait upon the Governor, and inform him of the adjournment.

Committee on the part of the Council, Mr. Elder.

JOHN J. INGALLS,
Secretary.

Mr. Whitehead, from the Committee appointed to wait upon the Governor, and inform him of the adjournment of the Legislative Assembly, reported as follows:

Mr. Speaker:—The Committee appointed on on the part of the House to inform His Excellency the Governor, of the passage of the Joint Resolutions on the subject of a removal to the City of Lawrence, beg leave to report that they have performed the duty assigned to them.

C. B. WHITEHEAD,
JOHN WRIGHT,
Committee on the part of the House.

The Speaker then announced that the hour of four o'clock having arrived, and that being the time specified in the Joint Resolutions for the adjournment of the Legislative Assembly, the House will now stand adjourned, to meet in the City of Lawrence, according to the aforesaid Joint Resolutions, on Saturday, the 21st day of January, 1860, at 12 o'clock, M., of that day.

GUSTAVUS A. COLTON,
Speaker of the House.

M. W. Delehay,
Chief Clerk.

SATURDAY, January 21, 1860,
12 o'clock, M.

House met, and was called to order by the Speaker.

Roll called.

Absentees were Messrs. Brown, Cornwell, Dutton, Knowles, Murphy, Parks, Reynolds, Steward, Sims, Vanderslice and Whitehead.

Journal of yesterday read and approved.

Message from the Council :

MR. SPEAKER:—I am directed to inform your Honorable Body that the Council have concurred in House Resolution, requiring the Sergeant-at-Arms of the House of Represntatives, to notify Hugh S. Walsh, Esq., that the Legislative Assembly will adjourn, to meet at Lawrence, on Saturday, the 21st of January, at 12 o'clock, M.

JOHN J. INGALLS,
Secretary.

On motion of Mr. Scott, the Chief Clerk was granted leave of absence until Tuesday next.

Mr. Scott offered the following resolution:

Resolved, That each member be allowed to retain the seat occupied by him at the late session, without further prceedings.

Mr. Parks offered the following, as a substitute :

Resolved, That we now proceed to draw for seats to be occupied during this session, by placing the name of each member in a hat, and as the name is drawn out by the Sergeant-at-Arms, the member shall choose his seat for this session.

Mr. Lynde moved to lay the substitute upon the table.

Carried.

The vote being taken upon the resolution offered by Mr. Scott, it was

Adopted.

On motion of Mr. Blake, the House adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

Mr. McMath moved a call of the House.

The call was ordered.

Mr. Scott moved that further proceedings under the call be dispensed with.

Carried.

The Special Order being the motion of Mr. Blake, to call the name of J. S. Magill, as a member of this House, it was taken up.

Mr. Wood offered the following Preamble and Resolution, as a substitute to the motion of Mr. Blake:

WHEREAS, The contest between J. S. Magill and George G. Pierce, for the seat of Representative from the 10th Representative District, was fairly tried, and lawfully decided, as we believe, during the late session of the Legislature, in favor of said Pierce; therefore,

Resolved, That George G. Pierce is entitled to a seat in the House, as the Representative from the 10th Representative District, composed of the counties of Washington and Marshall.

The question being upon the substitute offered by Mr. Wood,

The yeas and nays were demanded, which resulted as follows:

Yeas—17. Nays—9.

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Chandler, Canniff, Cave, Elliott, Fitzpatrick, Jones, Knowles, Lynde, Lindsay, Morton, Robertson, Shively, Sheldon, Scott and Wood.

Those voting in the negative were

Messrs. Blake, Lombard, Reynolds, Sims, Sopris, Vanderslice, Whitehead and Wagstaff.

The Resolution was adopted.

The Speaker announced the following

STANDING COMMITTEES.

Judiciary on Judiciary—Messrs. Wood, Sims, Bartlett, Wagstaff and Lynde.

Committee on Ways and Means—Messrs. Heath, Brooks, McMath, Fitzpatrick and Whitehead.

Militia—Messrs. Scott, Fitzpatrick, Dutton, Pierce and Cornwell.

Federal Relations—Messrs. Wood, Lynde, Parks, Morton and Blake.

Corporations and Banking—Messrs. Brooks, Parks, Rankin, Dutton and Wagstaff.

Elections—Messrs. Bartlett, Shively, Wright, Canniff and Robertson.

Enrolled Bills—Messrs. Sims, Rankin, Knowles, Lynde and Elliott.

Education—Messrs. Nelson, Lombard, Shively and Brooks.

Public Instruction—Messrs. Wagstaff, Reynolds, Jones, Canniff and Robertson.

Counties, County Lines and County Seats—Messrs. Lynde, Jones, Lindsay, Nelson and Dutton.

Internal Improvements—Messrs. Chandler, Steward, Knowles, Vanderslice and Cornwell.

Vice and Immorality—Messrs. Elliott, Fitzpatrick, Murphy, Sopris and Robertson.

Public Roads—Messrs. Rankin, Sheldon, Lombard, Nelson and Wood.

Printing—Messrs. McMath, Heath, Scott, Cave and Blake.

Phraseology—Messrs. Canniff, Heath, Lindsay, Parks and Reynolds.

Agriculture and Manufactures—Messrs. Lindsay, Wright, Vanderslice, Sheldon and Cave.

Claims—Messrs. Shively, Parks, Chandler, Murphy and Steward.

Apportionment—Messrs. Jones, Wagstaff, Morton, Wright and Chandler.

Accounts—Messrs. Morton, Cornwell, Fitzpatrick, Dutton and Noel.

Engrossed Bills—Messrs. Sheldon, Whitehead, Steward and Blake.

Mr. Brooks offered the following resolution, which was adopted:

Resolved, That the rules adopted at the last session of the Legislative Assembly, by the House, be adopted for the government of the House during the present session.

Mr. Wood offered the following resolution:

Resolved, That in all questions taken before the House, when the yeas and nays are demanded, it shall be the duty of the Speaker to vote, except he be excused by the House.

Mr. Scott moved to lay the resolution upon the table.

Lost.

The question recurring upon the resolution offered by Mr. Wood, it was

Adopted.

Mr. Lynde offered the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms of this House be authorized to procure, from the parties who agreed to furnish halls in Lawrence, and put up curtains at the windows in the west end of this Hall.

Message from the Council:

MR. SPEAKER:—I am directed to inform your Honorable Body that the Council have passed the following resolution, in which your concurrence is requested:

Resolved, By the Council, the House concurring therein, that there be a committee of one on the part of the Council, and two on the part of the House, to revise the laws of the Territory on County and Township organization.

Committee on the part of the Council, Mr. Elder.

JOHN J. INGALLS,
Secretary.

On motion of Mr. McMath, the House concurred in the resolution of the Council.

The Chair appointed, as Committee on the part of the House, Messrs. McMath and Rankin.

Mr. McMath presented the account of William McKay against the Territory of Kansas, for services rendered, as attorney, in attending the Commissioners of Claims.

Referred to Committee on Accounts.

Mr. Wood presented the account of J. G. Hinton, against the the Territory of Kansas, for printing.

Referred to Committee on Accounts.

Mr. Nelson gave notice that he would, at an early day, introduce a bill changing the Boundaries of Coffey County; also, a bill providing for the permanent location of the County Seat of Coffey County.

Mr. Fitzpatrick gave notice that, at an early day, he would introduce a bill to establish a Territorial Road from the City of Topeka, to Council Grove, by the way of Mission Creek.

Mr. Scott gave notice that, at an early day, he would introduce a bill to incorporate the Iola Town Company; also, a bill to permanently locate the County Seat of Allen County; also, a bill to prevent the introduction of diseased cattle in the Territory; also, a bill to facilitate the study of practical Anatomy.

Mr. Pierce gave notice that, at an early day, he would introduce a bill providing for the organization of the County of Washington, K. T.; also, a bill providing for the permanent location of the County Seat of Washington County; also, a bill defining the boundaries, and providing for the municipal organization of the County of Republic; also, a bill to establish a legal method by which to subdivide a section of land, as surveyed by the United States Government, into quarter sections.

Mr. Blake gave notice that, at an early day, he would introduce a bill to prevent Free Negroes from coming into the Territory.

Mr. Lynde gave notice that, at an early day, he would introduce a bill to provide for the location of a Territorial Road from Lawrence to Americus, via Oscaloosa, Grasshopper Falls, Hilton and New Brighton.

Mr. Shively gave notice that, at some subsequent day, he would introduce a bill appropriating certain fines and other moneys therein named, to the use of common schools.

Mr. Elliott gave notice that, at an early day, he would introduce a bill relating to an institution of learning in the town of Fremont, Breckinridge County, Kansas.

Mr. Robertson gave notice that, at an early day, he would introduce a bill to incorporate the Elwood Building Association.

Mr. Shively gave notice that he would introduce a bill making a stone wall a legal fence.

Mr. Elliott gave notice that at an early day he would introduce a Bill to provide for the permanent location of the seat of justice of Breckinridge County; also, a Bill to incorporate the Fremont Town Company; also a bill to Incorporate the Plymouth Town Company; also a Bill to establish a Territorial road from Fort Scott to Council Grove.

Mr. Chandler gave notice that, on some subsequent day, he would introduce a bill for the organization of Clay County.

Mr. Lombard gave notice that, at an early day, he would introduce a Bill to Incorporate the first Baptist Church in the City of Atchison.

Mr. Brooks gave notice that, at an early day, he would introduce a bill to incorporate the Douglas County Agricultural Society.

Mr. Wagstaff gave notice that he would, at an early day, introduce a Bill to incorporate the City of Paola.

Mr. Shively gave notice that, at an early day, he would introduce a Bill to locate a Territorial Road from Olathe, Johnson county, to Iola, Allen County.

Mr. Wood gave notice that, at some subsequent day, he would introduce a Bill to change the east boundary line of Chase County; also, a Bill to locate certain Territorial roads; also, a Bill to change County and Township organizations.

Mr. Lindsay gave notice that, at an early day, he would introduce a Bill establishing a Territorial road from Lawrence to Humboldt.

Mr. Canniff gave notice that at an early day he would introduce a Bill creating and organizing a new County, composed mostly from the Counties of Shawnee and Osage; also, a bill declaring the Santa Fe Road a Territorial Road; also, a Bill to Charter a Bridge at the crossing of 110 mile creek, on the Santa Fe Road.

Mr. McMath gave notice that, at an early day, he would introduce a Bill to permanently locate the County seat of Wyandott County; also, a Bill to incorporate the Wyandott City Insurance Company; also, a Bill to establish and Charter a Ferry across the Missouri River, at the City of Wyandott; also, a Bill, "An Act supplemental to 'An Act to incorporate and establish the City of Wyandott,'" approved January 29th, A. D. 1859; also, a Bill entitled "An Act repealing an Act amendatory to an Act, entitled 'An Act to establish a Code of Civil Procedure, passed February, A. D. 1859;'" also, a Bill concerning mills, millers and rates of Toll.

Mr. Sopris gave notice that he would, at an early day, introduce the following Bills: A Bill to incorporate the Mammoth Quartz Lead Mining Company; a Bill to Incorporate a Ferry at the Town of Montana, in Arappahoe County; a Bill to Incorporate the Pike's Peak Gold mining Company; a Bill to incorporate the Denver City and Beaver Creek Wagon Road Bridge Company; a Bill to Incorporate the Gaston Quartz Mining Company; a Bill to Incorporate the Denver, Auraria and Colorado Wagon Road Company; a Bill to incorporate the Colona Mining Company. (Bills presented Saturday, Jan. 21st, 1860.)

Mr. Chandler introduced House Bill No. 1, "An Act to permanently locate the County Seat of Riley County."

Referred to Committee on Counties, County Lines and County Seats.

Mr. Fitzpatrick introduced House Bill No. 2, entitled "An Act to establish a Ferry at Topeka."

Referred to Committee on Corporations and Banking.

Mr. Wood introduced House Bill No. 3, entitled "An Act providing for Garnishments and other remedies before Justices of the Peace."

Referred to Committee on Judiciary.

Mr. Scott introduced House Bill No. 4, entitled "An Act for the permanent location of the County Seat of Allen County."

Referred to Committee on Counties, County Lines and County Seats.

Mr. Scott introduced House Bill No. 5, entitled "An Act to Incorporate the Iola Town Company."

Referred to Committee on Corporations and Banking.

Mr. Wood introduced House Bill No. 6, entitled "An Act to prohibit Slavery and involuntary servitude in Kansas."

Referred to Committee on Judiciary.

Mr. Wood introduced House Bill No. 7, entitled "An act to amend An Act entitled An Act to establish a Code of Civil Procedure."

Referred to Committee on Judiciary.

Mr. Wood introduced House Bill No. 8, "An Act entitled An Act exempting certain property from sale upon execution or other process."

Referred to Committee on Judiciary.

Mr. Wood introduced House Bill No. 9, "An Act to amend An Act entitled 'An Act relating to Counties and County Officers.'"

Referred to Committee on Counties, County Lines and County Seats.

Mr. Heath introduced House Bill No. 10, entitled "An Act to prevent the Firing of Prairies, Marshes or Woodland."

Referred to Committee on Judiciary.

Mr. Wood introduced House Bill No. 11, "An Act to amend An Act entitled 'An Act regulating jurisdiction of Justices of the Peace, and of the duties of Constables in civil cases.'"

Referred to Committee on Judiciary.

On motion of Mr. Sopris,

House adjourned until Monday at 10 o'clock, A. M.

GASTAVUS A. COLTON,
Speaker of the House.

M. W. DELAHAY,
Chief Clerk.

MONDAY, January 23, 1860,
10 o'clock, A. M.

House called to order by the Speaker.

Roll called.

Absent, Messrs. Brown, Cornwell, Heath, Murphy, Rankin, Steward and Wright.

Journal of yesterday read and approved.

Mr. Fitzpatrick presented five petitions, signed by one thousand or less citizens of Topeka, for a ferry at the city of Topeka.

Referred to Committee on Corporations and Banking.

Also, a petition for a change of the county lines of Shawnee County.

Referred to Committee on Counties, County Lines and County Seats.

Mr. Nelson introduced the petition of S. G. Kelly and two hundred and forty-three others, for a change of the lines of Coffey County.

Referred to Committee on Counties, County Lines and County Seats.

Mr. Scott introduced a petition from citizens of Allen County, praying for the permanent location of the County Seat of Allen County.

Referred to Committee on Counties, County Lines and County Seats.

Also, a remonstrance from citizens of Woodson County, against a change in the North boundary of said County.

Referred to Committee on Counties, County Lines and County Seats.

Mr. Wood presented a petition of B. F. Morton and forty-five others, of Madison county, praying for a change in the North line of Madison county; also, a petition of S. F. Mantor and twenty-four others, for the same; also, a memorial from citizens of Madison county for the same purpose; also, a petition from E. P. Bancroft and one hundred and twenty others, of Breckenridge county, praying for a change in the northern boundary of Madison county; also, a remonstrance of C. V. Eskridge and two hundred and forty-one others, of Breckenridge county, praying for a change in the northern boundary of Madison county; also, a petition of William Cromsly and one hundred and seventy-two others, of Breckenridge county, praying for a change in the northern boundary of Madison county; also, a petition of C. H. Withington and seventy four-others, praying for a new county, composed of portions of Breckenridge and Waubaunsee counties; also, a remonstrance of C. H. Withington and fifty-five others, of Breckenridge county, against removing the southern boundary of Breckenrdge county three miles North; also, a petition of S. A. Breese and one hundred and fifty others, of Chase county, praying for a removal of the eastern line of said county to the east line of range nine and west line of range ten; also, a petition of Levi Smith and twenty-five others, legal voters of Breckenridge county, asking that the range line between nine and ten (9 and 10), be made the east line of Chase county; all of which were

Referred to the Committee on Counties, County Lines and County seats.

Mr. Nelson offered the following resolution:

Resolved, That the hours of meeting for the morning and afternoon sessions be, respectively, 9 o'clock A. M., and 2 o'clock P. M.. of each day, unless the House shall otherwise direct.

Adopted.

Mr. Nelson offered the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms of this House be empowered to procure, of the Secretary of the Territory, a paper folder for the use of each member of this House.

Mr. Nelson offered the following resolution:

Resolved, That the Secretary of the Territory be required to furnish, for the use of each member of this House, ten printed copies of the journal of this House for each day of this session.

On motion of Mr. Fitzpatrick, the resolution was laid upon the table.

Mr. Barlett offered the following resolution:

Resolved, By the House of Representatives, the Council concurring therein, that a committee be appointed, consisting of two on the part of the House, and one on the part of the Council, to draft a Memorial to Congress, praying for our immediate admission into the Union under the Wyandott Constitution.

Adopted.

Mr. Barlett offered the following resolution:

Resolved, By the House of Representatives, the Council concurring therein, that a committee be appointed, consisting of two on part of the House, and one on the part of the Council, to draft a plan of such new mail routes as may be required by the people of this Territory, together with a proper Memorial to Congress, asking that the same may be established.

Laid over, under the rules.

Mr. Blake offered the following resolution:

Resolved, That the Sergeant-at-Arms of this House be directed to procure, from the Secretary of the Territory, a sufficient number of files for the use of this House.

Adopted.

Mr. Lombard offered the following resolution:

Resolved, That the Sergeant-at-Arms be and is hereby instructed to procure a table and chairs for the members of the press, and supply them with stationery needful for their use in the House.

Mr. Wood moved to lay the resolution upon the table, which was

Carried.

Mr. Wood introduced the following resolution:

Resolved, That the Committee on Education be instructed to inquire into the propriety of abolishing the office of Territorial Superintendent and County Superintendent of Schools, and report by Bill or otherwise.

Adopted.

Mr. Parks introduced a petition of Dr. Phillips and others, for the incorporation of a Medical College.

Referred to Committee on Corporations and Banks.

Mr. Morton introduced a remonstrance from citizens of Woodson county, against a change in the north line of said county; also, another from C. W. Ruggles and others, for the same; also, a petition from A. H. Reeves and 80 others, asking for the change of the east boundary of Woodson county.

Referred to Committee on Counties, County Lines and County Seats.

Mr. Shively offered the following resolution:

Resolved, That the House go into an election for Chaplain for the remainder of the present session.

On motion of Mr. Scott, the motion was laid upon the table.

Mr. Wood introduced House Bill No. 42, "An Act legalizing the assessment of taxes in Chase County."

Rules suspended.

Read a second time and considered by sections.

On motion of Mr. Sheldon, section 2, was striken out.

The Rules were then suspended, and

The Bill was read third time, and

Upon its final passage, the vote resulted as follows:

Yeas—32. Nays—none.

Those voting in the affirmative, were

Messrs. Blake, Brooks, Chandler, Canniff, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lombard, Lynde, Lindsay, McMath, Morton, Noel, Nelson, Parks, Pierce, Robertson, Reynolds, Sims, Shively, Sheldon, Scott, Sopris, Vanderslice, Whitehead, Wagstaff, Wood and Mr. Speaker.

Mr. Shively offered the following resolution:

Resolved, That we now proceed to the business of Legislation without delay.

Mr. Sims offered the following amendment:

Commencing with: 1st, the law concerning the Land District Recorder's office; 2d, the Registry Law; 3d, the extension of time to collect the County and Township Tax, for the year of 1859; 4th, the Revenue Law; ~~5th, the~~ system of County and Township government; 6th, Road law.

The amendment was agreed to, and

The resolution as amended adopted.

Mr. Sims introduced House Bill No. 43, entitled "An Act repealing an Act, entitled 'An Act establishing the office of District Recorder.'"

Rules suspended, and

Read a first time, and

Referred to Committee on Judiciary.

Mr. Jones presented the petition of E. M. Tucker, and 65 others, praying for a change in the boundary lines of Linn county south, upon the township lines; also, a petition of Charles Clark and 98 others for the same; also, a remonstrance of Josiah Lamb and 68 others, against submitting the question of location of the county seat of Linn county to a vote of the people; also, a remonstrance of J. Fleming and 12 others for the same; also, a remonstrance from the Board of Supervisors for the same; also, a remonstrance of Josiah Senel and 34 others for the same; also, a remonstrance of Richard Tucker and 14 others for the same; also, a remonstrance of W. E. Graves and 51 others for the same; also, from John Armstrong and 25 others for the same; also, from Lucas Whitney and 50 others for the same; also, from A. A. Johns and 112 others for the same; also from William F. Hicks and 55 others for the same; also, from J. C. Anderson and 19 others for the same; also, a petition of J. P. Wheeler and 80 others, for a change of boundary lines of Linn county, to township lines south, all of which were

Referred to Committee on Counties, County Lines and County Seats.

Mr. Scott introduced House Bill No. 44, "An Act to abolish the office of District Recorder."

Read a first time, and

Referred to Committee on Judiciary.

Mr. McMath, by general consent, presented a petition from S. D. Storrs and 21 others, praying for a law conferring upon married women an equal right with the father to the possession of their children.

Referred to Committee on Judiciary.

Mr. Morton offered the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms be directed to procure drawers for the desks of members of this House with locks.

Mr. Wood from Committee on Judiciary, to whom was referred House Bill No. 43 and 44, in reference to Land District Recorder, reported the same back, without amendment or recommendation, for the action of the House.

On motion of Mr. Nelson, both Bills were laid upon the table and ordered to be printed.

On motion of Mr. Nelson,

The House adjourned.

AFTERNOON SESSION.

TWO O'CLOCK,

Message from the Council:

MR. SPEAKER:—I am directed by the Council to inform your Honorable Body that the Council has passed the following Resolutions, in which your concurrence is requested:

Resolved, That by the Council, the House concurring therein, that the various Bills establishing Territorial Roads be laid on the table for ten days, and that it be understood, that all Bills asking for Territorial Roads shall be prepared within that time.

Resolved further, That after ten days, a Joint Committee of the two Houses shall be appointed, to whom said Bills shall be referred, with instructions to report within five days thereafter.

Also, that the Council has passed Council Bill No. 7, "An Act to regulate the running at large of Swine."

Your concurrence is invited.

JOHN J. INGALLS,
Secretary.

Mr. Nelson offered the following amendment, which was adopted:

Strike out the the words "joint Committee of the two Houses," and insert "the Committee on Roads and Highways of the two Houses, in joint session."

Mr. McMath offered the following resolution:

Resolved, That the Decket Clerk be requested to furnish a printed Calendar for the use of each member of this House.

Adopted.

Mr. Nelson offered the following resolution:

Resolved, That the Sergeant-at-Arms of this House be and is hereby authorized to employ an Assistant Door-keeper.

Mr. Fitzpatrick moved to lay the resolution on the table, upon which the yeas and nays were demanded, with the following result:

Yeas—10. Nays—21.

Those voting in the affirmative were

Messrs. Fitzpatrick, McMath, Noel, Reynolds, Sims, Shively, Vanderslice, Whitehead and Wagstaff.

Those voting in the negative were

Messrs. Blake, Bartlett, Brooks, Chandler, Cave, Dutton, Elliott, Jones, Knowles, Lynde, Lindsay, Nelson, Parks, Pierce, Robertson, Sheldon, Scott, Sopris, Wright and Wood.

So the motion to lay upon the table was lost.

The question recurring upon the adoption of the resolution, it was

Carried.

Mr. Brooks, from the Committee on Corporations and Banking, submitted the following report:

The Committee on Corporotions, having had under consideration House Bill No. 2, entitled "An Act to establish a Ferry at the City of Topeka," beg leave to report the same without amendment.

P. R. BROOKS, Chairman.

Mr. Parks introduced House Bill No. 50, "An Act to incorporate the Laporte Town Company and City of Laporte."

Rules suspended.

Read a second time.

Rules suspended.

Read a third time, and

Upon its final passage, the vote resulted as follows:

Yeas—30. Nays—1.

Those voting in the affirmative were,

Messrs. Bartlett, Brooks, Chandler, Canniff, Cave, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lombard, Lynde, Lindsay, Noel, Parks, Pierce, Robertson, Reynolds, Rankin, Steward, Sims, Shively, Scott, Sopris, Vanderslice, Whitehead, Wright, Wagstaff, Wood and Mr. Speaker.

In the negative,

Mr. Sheldon.

So the Bill passed.

The title was agreed to.

On motion of Mr. Fitzpatrick, House Bill No. 2, was taken up, entitled "An Act to establish a Ferry at the City of Topeka."

Rules suspended.

Read a second and third time, and

Upon its final passage, the vote resulted:

Yeas—29. Nays—1.

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Chandler, Canniff, Cave, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lombard, Lynde, Lindsay, Noel, Parks, Pierce, Robertson, Reynolds, Rankin, Sims, Shively, Sheldon, Scott, Sopris, Vanderslice, Whitehead, Wagstaff, Wood and Mr. Speaker.

In the negative,

Mr. Wright.

So the bill passed.

The title was agreed to.

Mr. Wood introduced House Bill No. 51, "An Act to incorporate the Roger Williams University."

Rules suspended.

Read a second and third time, and

Upon its final passage, the vote resulted as follows:

Yeas—27. Nays—2.

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Chandler, Cave, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lombard, Lindsay, McMath, Morton, Noel, Nelson, Parks, Pierce, Robertson, Reynolds, Rankin, Sheldon, Scott, Vanderslice, Whitehead, Wright, Wood and Mr. Speaker.

Those voting in the negative were

Messrs. Lynde and Nelson.

Mr. Wood introduced House Bill No. 52, entitled "An Act regulating Inclosures."

Read a second time.

Rules suspended.

Read a third time, and,

Upon its final passage, the vote resulted as follows:

Yeas—30. Nays—1.

Those voting in the affirmative were

Messrs. Blake, Bartlett, Brooks, Chandler, Cave, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lombard, Lindsay, McMath, Morton, Noel, Nelson, Parks, Pierce, Robertson, Reynolds, Rankin, Sims, Shively, Sheldon, Scott, Vanderslice, Whitehead, Wright, Wood and Mr. Speaker.

In the negative,

Mr. Wagstaff.

So the Bill passed.

The title was agreed to.

Mr. Morton introduced House Bill No. 53, entitled "An Act to extend the payment of Taxes."

Read a first time.

Rules suspended.

Read a second and third time, and

Upon its final passage, the vote resulted:

Yeas—32. Nays—1.

Those voting in the affirmative were

Messrs. Blake, Bartlett, Brooks, Chandler, Canniff, Cave, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lombard, Lindslay, McMath, Morton, Noel, Nelson, Parks, Pierce, Robertson, Reynolds, Rankin, Sims, Shively, Sheldon, Scott, Vanderslice, Whitehead, Wright, Wagstaff, Wood and Mr. Speaker.

In the negative,

Mr. Lynde.

So the Bill passed.

The title was agreed to.

Mr. Wright introduced House Bill No. 54, entitled "An Act to extend the time for the paying of Taxes in Doniphan County."

Read a first time.

Rules suspended.

Read a second and third time, and

Upon its final passage, the vote resulted as follows:

Yeas—31. Nays—none.

Those voting in the affirmative were

Messrs. Blake, Bartlett, Brooks, Chandler, Canniff, Cave, Dutton, Elliott, Jones, Knowles, Lombard, Lynde, Lindsay, McMath, Morton, Noel, Nelson, Parks, Pierce, Robertson, Reynolds, Rankin, Sims, Shively, Sheldon, Vanderslice, Whitehead, Wright, Wagstaff, Wood and Mr. Speaker.

So the Bill passed.

The title was agreed to.

Mr. Wood offered the following resolution, which was adopted:

Resolved, That the Committee on Ways and Means be instructed to inquire what Legislation is necessary, if any, in reference to Road Taxes, assessed under the laws of last Legislative Assembly of Kansas Territory, and report by Bill or otherwise.

Also, by the same gentleman, the following:

Resolved, That the Committee on Accounts be instructed to examine and ascertain what distinctions can be made, if any, in the fees of officers, and report by Bill or otherwise.

Mr. Elliott presented a remonstrance from James Jackson and thirty-three others against any change in the West line of Breckenridge county; also, a remonstrance from William McCollough and fifty-two others, for the same.

Referred to Committee on Counties and County Lines.

Mr. Lombard presented a petition for a Territorial Road from Atchison to Fort Riley.

Referred to Committee on Roads and Highways.

Council Bill No. 3, entitled "An Act to regulate the running at large of Swine," was taken up.

Read first time.

Rules suspended,

Read a second and third time.

Mr. Lynde moved a call of the House.

Carried, and

The Door-Keeper was directed to bring in the absentees, which being done

On motion of Mr. Parks, further proceedings under the call were dispensed with.

Mr. Sims asked leave to amend the ninth section, by inserting, after "another," "along any public highway."

No objection being made, it was so amended.

The vote being taken,

Upon the final passage of the Bill, it resulted as follows:

Yeas—28. Nays—5.

Those voting in the affirmative were,

Messrs. Blake, Brooks, Chandler, Canniff, Cave, Dutton, Elliott, Fitzpatrick, Jones, Lombard, Lynde, Lindsay, Morton, Noel, Nelson, Parks, Pierce, Robertson, Reynolds, Rankin, Sims, Shively, Sheldon, Scott, Whitehead, Wright, Wagstaff and Mr. Speaker.

Those voting in the negative were,

Messrs. Bartlett, Brooks, McMath, Vanderslice and Wood.

And so the Bill was passed.

The title was agreed to.

Mr. Lynde, Chairman of the Committee on Counties and County Lines, reported as follows:

The Committee on County Lines beg leave to report that they have considered House Bill No. 4, and return the same, recommending its passage.

E. LYNDE, Chairman.

Message from the Council:

Mr. Speaker:—I am instructed to notify your Honorable Body, that the Council have concurred in the amendments of the House to concurrent Resolutions of the Council, in reference to Bills for Territorial Roads and their disposition.

JOHN J. INGALLS,
Secretary.

Mr. Scott moved that the rules be suspended, and House Bill No. 4, be read a second and third time.

Mr. McMath move to lay the motion on the table.

Lost.

The question then being upon the motion of Mr. Scott,

It was agreed to.

The Bill was then read a second and third time, and

Upon its final passage the vote stood as follows:

Yeas—31. Nays—1.

Those voting in the affirmative were

Messrs. Blake, Bartlett, Brooks, Chandler, Canniff, Cave, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lombard, Lynde, Lindsay, Morton, Noel, Nelson, Parks, Pierce, Robertson, Reynolds, Sims, Shiveley, Shelden, Scott, Vanderslice, Whitehead, Wright, Wagstaff, Wood and Mr. Speaker.

In the negative,

Mr. McMath.

So the Bill passed, and

The title was agreed to.

Message from the Council:

Mr. Speaker:—I am instructed to inform your Honorable

Body that the Council has concurred in amendments of the House to Council Bill No. 3, entitled "An Act to regulate the running at large of swine."

JOHN J. INGALLS
Secretary.

Mr. Nelson gave notice that he would, at an early day, introduce a bill postponing the time for the collection of taxes, until June 1st, 1860; also, a Bill erecting and establishing the county of Neosho.

Mr. McMath, gave notice that he would, at an early day, introduce a Bill to repeal an Act entitled "An Act to restrain Dram Shops and Taverns, and regulate the sale of intoxicating liquors;" also, a Bill to incorporate a ferry across the Missouri river, at the City of Quinnaro, Kansas Territory; also, a Bill extending the time for completing a bridge across the Wakarusa.

Mr. Vanderslice gave notice that, at an early day, he would introduce a Bill incorporating the Smithton Lodge No. 1, of Ancient Free and Accepted Masons; also, a Bill for a Territorial Road from Lawrence to Iowa Point, via Oskaloosa.

Mr. Jones gave notice that he would, at an early day, introduce a Bill providing for the location of the seat of Justice of Linn county, K. T.; also, a Bill to provide for the keeping up of stock at nights; also, a Bill to provide for the granting of a charter, for a bridge across the Big Sugar Creek, near its mouth; also, a ferry across the Marais des Cygnes river at the old trading post, in Linn County.

Mr. Parks gave notice that he would introduce a Bill to repeal all that portion of "An Act regulating elections," approved February 4th, 1859, relating to a Registry Law; also, a Bill for the relief of John Kendall.

Mr Bartlett gave notice that he would introduce a Bill relating to Probate Court; also, a Bill establishing certain Territorial Roads; also, a Bill for the permanent location of the County Seat of Wabaunsee County; also, a Bill relating to the exemption of property taken under execution and attachment; also, a Bill establishing a Ferry across the Kansas River at St. George, Pottawatamie County.

Mr. Lindsay gave notice that he would introduce a Bill vacating a part of the Town Site of Pottawatamie City; also, Bill vacating the Town of Canton in Kansas Territory; also, a Bill legalizing the official acts of F. Hart, Esq.

Mr. Nelson gave notice that he would introduce a Bill incorporating Neosho Lodge No. 27, of Ancient Free and Accepted Masons.

Mr. Wagstaff gave notice that he would introduce a Bill incorporating the town of Miami.

Mr. Heath introduced a Bill from Robert S. Strather, praying for a divorce.

Referred to Committee on Judiciary.

Mr. Wood gave notice that, on to-morrow or some subsequent day, he would introduce a Bill to incorporate the Council Grove Building Association.

Mr. Lindsay gave notice that he would introduce a Bill incorporating the Anderson County Agricultural Society.

Mr. Noel gave notice that he would at an early day introduce a Bill to incorporate the St. John's Lodge, No. 26, at Atchison.

Mr. Nelson gave notice that he would at an early day introduce a Bill to incorporate the Neosho Lodge No. 27, of Ancient Free and Accepted Masons.

Mr. Blake gave notice that he would, at an early day, introduce a Bill to locate a Territorial Road from the City of Lecompton to the town of Kinakak, by the way of Osawkee and Grasshopper Falls.

Mr. Elliott gave notice that, at an early day, he would introduce a Bill causing the petitioners for Territorial Roads to pay the expenses of the same.

Mr. Brooks gave notice that, at an early day, he would introduce a Bill to incorporate the Lawrence Lodge of Ancient Free and Accepted Masons.

Mr. Scott gave notice that, at an early day, he would introduce a Bill to vacate the town site of Cofachique.

Mr. Knowles gave notice that he would, on to-morrow or some subsequent day, introduce a Bill regulating the taking up and posting of strays; also, a Bill to incorporate the Osage Town Company; also, a Bill to locate a Territorial road from Mound City to the south line of Kansas Territory.

Mr. Lombard gave notice that, at an early day, he would introduce a Bill to locate a Territorial road from Muscotah, by way of Centralia, to Palmetto or Marysville: Commissioners, J. S. Morse, Centralia, W. P. Badger and Charles B. Keith, Muscotah; also, a Bill to locate a Territorial road from Elwood, by way of Muscotah and Manhattan, to Fort Riley: Commissioners, John Stairwalt, Elwood, W. P. Badger, Muscotah, and A. J. Mead, Manhattan.

Mr. Colton introduced House Bill No. 12, entitled "An Act to incorporate the town of Stanton."

Referred to Committee on Corporations and Banking.

Also, House Bill No. 13, entitled "An Act to charter a Ferry across the Marais Des Cygnes River, at a point near Stanton, known as the 'Morse Ford.'"

Referred to Committee on Corporations and Banking.

Mr. McMath introduced the following Bills:

House Bill No. 14, "An Act to establish and charter a Ferry across the Missouri River, at the City of Wyandott."

Referred to Committee on Corporations and Banking.

House Bill No. 15, entitled "An Act repealing an Act amendatory to 'An Act to establish a Code of Civil Procedure,'" passed February, 1859.

Referred to Committee on Judiciary.

House Bill No. 16, entitled "An Act supplemental to 'An Act to incorporate and establish the City of Wyandott,'" approved January 29th, 1859.

Referred to Committee on Corporations and Banking.

House Bill No. 17, entitled "An Act to incorporate the Wyandott City Insurance Company."

Referred to Committee on Judiciary.

House Bill No. 18, entitled "An Act concerning, Mills, Millers, and the rates of toll."

Referred to Committee on Judiciary.

Mr. Morton introduced the following Bills:

House Bill No. 19, entitled "An Act to incorporate the Neosho Falls Town Company."

Referred to Committee on Incorporations and Banking.

House Bill No. 20, entitled "An Act to change the boundary of Butler County."

Referred to Committee on Corporations and Banking.

Also, House Bill No. 36, entitled "An Act to incorporate the Pike's Peak Gold Mining Company."

Referred to Committee on Corporations and Banking.

Also, House Bill No. 37, entitled "An Act to incorporate the Denver, Auraria and Colorado Wagon Road Company."

Referred to Committee on Incorporations and Banking.

Also, House Bill No. 38, entitled "An Act to establish a Ferry at the town of Montana, in Arrapahoe County."

Referred to Committee on Corporations and Banking.

Also, House Bill No. 39, entitled "An Act to incorporate the Mammoth Quartz Lead Mining Company."

Referred to Committee on Corporations and Banking.

Mr. Lombard introduced House Bill No. 40, entitled "An Act to incorporate the First Baptist Church in the City of Atchison."

Referred to Committee on Corporations and Banking.

Mr. Wood introduced the following Bills:

House Bill No. 241, entitled "An Act changing the lines of Chase County."

Referred to Committee on Counties, County Lines and County Seats.

Also, House Bill No. 42, entitled "An Act legalizing the assessment of taxes in Chase County."

Referred to Committee on Judiciary.

House Bill No. 21, entitled "An Act to facilitate the settlement of the estates of deceased partners."

Referred to Committee on Judiciary.

Mr. Pierce introduced the following Bills:

House Bill No. 22, entitled "An Act to organize the County of Washington."

Referred to Committee on Counties, County Lines and County Seats.

House Bill No. 23, entitled "A Bill to provide for the permanent location of the County Seat of Washington County."

Referred to Committee on Counties, County Lines and County Seats.

House Bill No. 24, entitled "A Bill to organize the County of Republic."

Referred to Committee on Counties, County Lines and County Seats.

House Bill No. 25, entitled "A Bill to provide for subdividing sections of land."

Referred to Committee on Judiciary.

Mr. Canniff introduced the following Bill:

House Bill No. 26, entitled "An Act to authorize William D. Harris and Alexander Street to build a Bridge across 110 Mile Creek, at the town of Washington."

Read a first time, and

Referred to Committee on Corporations and Banking.

Mr. Heath introduced the following Bills:

House Bill No. 27, entitled "An Act legalizing certain conveyances in the City of Lawrence;" also, House Bill No. 28, entitled "An Act supplemental to an Act entitled 'An Act concerning Divorce and Alimony.'"

Read a first time, and

Referred to Committee on Judiciary.

Mr. Elliott introduced House Bill No. 29, entitled "An Act to incorporate the Town and Town Company of Fremont."

Referred to Committee on Corporations and Banking.

Mr. Robertson introduced House Bill No. 30, entitled "An Act to incorporate the Elwood Building Association."

Referred to Committee on Corporations and Banking.

Mr. Parks introduced House Bill 31, entitled "An Act to incorporate the Kansas Medical College."

Referred to Committee on Corporations and Banking.

Mr. Heath introduced House Bill No. 32, entitled "An Act supplemental to an Act entitled 'An Act to incorporate the the Town of Bloomington.'"

Referred to Committee on Corporations and Banking.

Mr. Brooks introduced House Bill No. 33, entitled "An Act to charter a Ferry across the Arkansas River."

Referred to Committee on Corporations and Banking.

Mr. Sopris introduced the following Bills:

House Bill No. 34, entitled "An Act for the incorporation of the Colona Mining Company."

Referred to Committee on Corporations and Banking.

Also, House Bill No. 35, entitled "An Act to incorporate the Gaston Quartz Company."

Referred to Committee on Corporations and Banking.

Mr. Sims introduced House Bill No. 43, entitled "An Act to establish the office of Land District Recorder."

Read a first time,

Laid on the table and ordered to be printed.

Mr. Scott introduced House Bill No. 44, entitled "An Act to abolish the office of Land District Recorder."

Read a first time,

Laid on the table and ordered to be printed.

Mr. Nelson introduced House Bill No. 45, entitled "An Act changing the boundary lines of Coffey County."

Referred to Committee on Counties, County Lines and County Seats.

Mr. Blake introduced House Bill No. 46, entitled "An Act to prohibit Free Negroes from coming into this Territory."

Referred to Committee on Federal Relations.

Mr. Whitehead introduced House Bill No. 47, entitled "An Act to incorporate the City of Palermo."

Referred to Committee on Corporations and Banking.

Mr. Bartlett introduced House Bill No. 48, entitled "An Act incorporating the Louisville Town Company."

Referred to Committee on Corporations and Banking.

Mr. Parks introduced House Bill No. 49, entitled "An Act to repeal all that portion of an Act entitled 'An Act regulating Elections,' approved Feb. 4th, 1859, relating to a Registry Law."

Referred to Committee on Elections.

Mr. Parks introduced House Bill No. 50, entitled "An Act to incorporate the Laporte Town Company and City of Laporte."

Read a first time.

Rules suspended, and

Bill read second time.

Rules suspended, and Bill

Read a third time and

Passed.

The title agreed to.

Mr. Wood introduced the following Bills :

House Bill No. 51, entitled "An Act to incorporate the Roger Williams University."

Rules suspended, and

Bill passed.

Also, House Bill No. 52, "An Act supplemental to an Act regulating inclosures," approved Feb. 11th, 1850.

Rules suspended, and

Bill passed.

Mr. Nelson introduced House Bill No. 53, entitled "An Act extending the time for paying Taxes."

Rules suspended, and

Bill passed.

Mr. Whitehead introduced House Bill No. 54, entitled "An Act extending the time for collecting of taxes in Doniphan Co., Kansas Territory."

Rules suspended, and

Bill passed.

Mr. Elliott introduced House Bill No. 55, entitled "An Act causing counties through which Territorial Roads may pass to defray the expenses of the same."

Referred to Committee on Roads and Highways.

Mr. Morton introduced House Bill No. 56, entitled "An Act to establish a certain Territorial Road."

Referred to Committee on Roads and Highways.

Mr. Morton introduced House Bill No. 57, entitled "An Act to establish a certain Territorial Road."

Referred to Committee on Roads and Highways.

Mr. Lindsay introduced House Bill No. 58, entitled "An Act to vacate a part of the Town Site of Pottawatamie City."

Referred to Committee on Corporations and Banking.

Also, House Bill No. 59, entitled "An Act to establish a Territorial Road from Lawrence to Humboldt."

Referred to Committee on Roads and Highways.

Mr. Rankin introduced House Bill No. 60, entitled "A Bill to establish a Territorial Road from Lawrence to Paola, *via* Black Jack."

Referred to Committee on Roads and Highways.

Mr. Jones introduced House Bill No. 61, entitled "An Act incorporating the Linn County Agricultural Society.

Referred to Committee on Agriculture and Manufactures.

Mr. Wood introduced the following Bills:

House Bill No. 62, "An Act establishing a certain Territorial Road;" also, House Bill No. 63, entitled "An Act establishing certain Territorial Roads;" also, House Bill No. 64, entitled "An Act establishing a Territorial Road from the Missouri State Line, *via* Minneola, Garnett and Emporia, to Beach Valley," all of which were

Referred to Committee on Roads and Highways.

Also, House Bill No. 65, entitled "An Act to repeal an Act entitled 'An Act defining the boundary line between the Counties of Madison and Breckenridge.'"

Referred to Committee on Counties, County Lines and County Seats.

Mr. Elliott introduced House Bill No. 66, entitled "An Act to locate a Territorial Road from Ft. Scott to Council Grove."

Referred to Committee on Roads and Highways.

On motion of Mr. Morton,

The House adjourned.

G. A. COLTON,
Speaker of the House.

M. W. DELAHAY,
Chief Clerk.

TUESDAY, January 24, 1860,
9 o'clock, A. M.

House was called to order by the Speaker.

Prayer by the Rev. Mr. Bishop.

Roll called.

Absent, Messrs. Brown, Canniff, Murphy and Steward.

The reading of the journal of yesterday was dispensed with.

Mr. Lynde presented a petition, praying for an extension of time for the completion of the Kansas bridge at Tecumseh.

Referred to Committee on Judiciary.

Mr. Wood presented a remonstrance of A. I. Baker and 240 others, legal voters of Breckenridge County, against the forming of a new County out of portions of Breckenridge and Madison Counties ; also, a remonstrance of S. W. Rucher and 70 others, legal voters of Madison County, against the formation of a new County out of portions of Madison and Breckenridge Counties, both of which were

Referred to Committee on Counties, County Lines and County Seats.

Mr. Jones presented the petition of G. W. Lewis and 67 others, praying for a vote upon the location of the county seat of Linn County; also, a petition of B. P. Ayres and 139 others, praying for the same; also, a petition of Charles Kirby and 85 others, for the same, all of which were

Referred to Committee on Counties, County Lines and County Seats.

Mr. McMath presented a petition of F. Johnson and 78 others, praying for a charter of a Ferry across the Missouri River, at the City of Quindaro.

Referred to Committee on Judiciary.

Mr. Lindsay presented a petition signed by 180 registered voters of Anderson County, praying that no change be made in the lines of said county.

Referred to Committee on Counties, County Lines and County Seats.

Mr. Wood presented the petition of Lucinda F. Gee, praying for a divorce.

Referred to Committee on Judiciary.

Mr. Sims presented the petition of Jane Burdett, praying for a divorce.

Referred to Committee on Judiciary.

Mr. Wood presented the petition of Isaac Seargeant and others, praying for a restoration of the northern bonndary line of Madison County.

Referred to Committee on Counties, County Lines and County Seats.

Mr. Sims offered the following resolution:

Resolved, That the Committee of Ways and Means be instructed to prepare a Revenue Bill for the year 1860, providing for an *ad valorem* tax of all property, real and personal, on which it may be competent for the Legislative Assembly to impose a tax, said committee making such exemptions in reference to charitable institutions, and in reference to widows and orphans, as, in the opinion of the Committee, may be right; further,

Resolved, That in determining the rate of such tax, the Committee will take into consideration the fact that the Territorial expenses of the year 1859 remain unprovided for. Further,

Resolved, That the rate of tax shall not exceed — of one per cent.

On motion of Mr. Nelson, the resolution was deferred, and made the special order of to-morrow at ten o'clock.

Mr. Rankin offered the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to present the Secretary of the Territory all orders for Stationery put in his hands by any member of this House.

Mr. Wood moved that the resolution be indefinitely postponed.

Carried.

Mr. Nelson, from the Committee on Education, reported the following:

The Committee on Education, to whom was referred that part of the Governor's Message relating to school lands, beg leave to report that they have had the same under consideration, and find, as they believe, that the school lands are fully protected in Section 5, of Article 6, of the Wyandott Constitution, which reads as follows:

"The school lands shall not be sold, unless such sale shall be authorized by a vote of the people at a general election, but subject to revaluation every five years. They may be leased for any number of years, not exceeding twenty-five, at a rate established by law."

All of which is respectfully submitted.

G. W. NELSON, Chairman.

Mr. Bartlett, from Committee on Elections, reported the following:

The Committee on Elections, to whom was referred House Bill No. 48, have had the same under consideration, and report the same back without amendments, and recommend its passage.

A. BARTLETT, Chairman.

Mr. Lombard introduced House Bill No. 80, "An Act to amend an Act entitled 'An Act to incorporate the City of Atchison.'"

Read a first time.

Rules suspended.

Read a second and third time, and,

Upon its final passage, the vote resulted as follows:

Yeas—34. Nays—1.

Those voting in the affirmative were

Messrs. Blake, Bartlett, Brooks, Chandler, Canniff, Cave, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lombard, Lynde, Lindsay, McMath, Morton, Noel, Nelson, Parks, Pierce, Robertson, Reynolds, Sims, Shively, Sheldon, Scott, Sopris, Vanderslice, Whitehead, Wright, Wagstaff and Wood.

In the negative.

Mr. Rankin.

So the Bill passed.

The title was agreed to.

The concurrent resolution offered by Mr. Bartlett, in relation to the establishment of Mail Routes, was taken up and

On motion, was adopted.

Message from the Council:

MR. SPEAKER:—I am directed by the Council to inform your Honorable Body, that the Council have passed Council Bill No. 7, entitled "An Act to provide for the raising of a tax in Pottawatamie county."

Your concurrence is invited.

JOHN J. INGALLS,
Secretary.

House Bill No. 48, entitled "An Act to incorporate the Louisville Town Company," was taken up

Read a second time, and laid over, under the rules.

On motion of Mr. Nelson,

The House resolved itself into a Committee of the Whole, on House Bills No. 43 and 44.

Mr. Nelson in the Chair.

After some time spent therein,

The Committee arose and, through the Chairman, reported progress and asked leave to sit again.

Leave was granted.

On motion of Mr. Morton, the amendment to the substitute for House Bill No. 43 was ordered to be printed.

Message from the Council :

Mr. Speaker :—I am directed to inform your Honorable Body that the Council have passed Council Concurrent Resolution No. 3, relating to Commissioners to examine Kansas Valley Bank; also, Council Concurrent Resolution No. 4, providing for a Joint Commission to examine Census returns.

Your concurrence is invited.

Council Concurrent Resolution No. 3 :

Resolved, By the Council, the House of Representatives concurring, that John J. Ingalls, of Atchison, James S. McDowell, of Leavenworth, Azel Spaulding, of Garsshopper Falls, F. N. Blake, of Fort Riley, A. N. Blacklidge, of Lawrence, be, and they are hereby constituted a Board of Commissioners, to examine the Kansas Valley Bank, according to the 42d, 43rd and 44th sections of the Act chartering said Bank.

Council Concurrent Resolution No. 4 :

Resolved, That a Committee of one, on the part of the Council, and two on the part of the House, be appointed to examine the late Census returns, and report what action is required, if any is necessary thereto.

Also, that the Council have passed House Bill No. 42, "An Act legalizing the assessment of taxes in Chase county," without amendment; also, Council Bill No. 18, entitled "An Act fixing the time of holding the Supreme Court of the Territory of Kansas."

Your concurrence is invited.

JOHN J. INGALLS,
Secretary.

Mr. McMath introduced House Bill No. 67, entitled "An Act to incorporate a Ferry across the Missouri River at the City of Quindaro."

Referred to Committee on Incorporations and Banking; also, House Bill No. 68, entitled "An Act extending the time for completing a bridge across the Wakarusa river."

Referred to Committee on Judiciary.

Mr. Brooks introduced House Bill No. 69, entitled "An Act incorporating the Lawrence Lodge of Ancient Free and Accepted Masons."

Referred to Committee on Corporations and Banking.

Mr. Canniff introduced House Bill No. 70, entitled "An Act to declare the Santa Fe Road a Territorial road."

Referred to Committee on Roads and Highways.

Mr. Parks introduced House Bill No. 71, entitled "An Act for the relief of John Kendall, appropriating $504."

Referred to Committee on Judiciary.

Mr. Noel introduced House Bill No. 72, entitled "An Act to incorporate St. Johns Lodge No. 26, at Atchison."

Referred to Committee on Corporations and Banking.

Mr. Nelson introduced the following Bills:

House Bill No. 73, entitled "An Act establishing a Ferry at Leroy, Coffey County;" also, House Bill No. 74, entitled "An Act to incorporate the Ottumwa College Association;" also, House Bill No. 75, entitled "An Act incorporating the Neosho Lodge of Ancient Free and Accepted Masons," all of which were

Referred to Committee on Incorporations and Banking.

Mr. Knowles introduced House Bill No. 76, entitled "An Act to incorporate the Osage Town Company."

Referred to Committee on Incorporations and Banking.

Mr. Nelson introduced House Bill No. 77, entitled "An Act erecting and organizing the County of Neosho."

Referred to Committee on Counties, County Lines and County Seats.

Mr. Knowles introduced House Bill No. 98, entitled "An Act to locate a Territorial Road, from Mound City, to the South line of the Territory of Kansas."

Referred to Committee on Roads and Highways.

Mr. Elliott introduced House Bill No. 79, entitled "An Act to provide for the location of the seat of Justice of Breckenridge County."

Referred to Committee on Counties, County Lines and County Seats.

Mr. Lombard introduced House Bill No. 80, entitled "An Act to amend an Act entitled 'An Act to incorporate the City of Atchison.'"

Read first time,

Rules suspended.

Read a second and third time, and

Passed.

Mr. Jones introduced House Bill No. 81, entitled "An Act to provide for the location of the County Seat of Linn County."

Referred to Committee on Counties, County Lines and County Seats.

Mr. Wood introduced the following Bills:

House Bill No. 82, entitled "An Act to amend the Code of Civil Procedure," passed February 11th, 1859; also, House Bill No. 83, entitled "An Act to amend the Code of Civil Procedure," passed February 11th, 1859, both of which were

Referred to Committee on Judiciary.

Mr. Colton introduced House Bill No. 84, entitled "An Act to incorporate the Stanton University."

Referred to Committee on Corporations and Banking.

Mr. Pierce gave notice that he would, at an early day, introduce a Bill to locate a Territorial Road from Vermillion City, westerly, across the Big Blue river, to the first standard parallel in Kansas Territory.

Mr. Sheldon gave notice that he would, at an early day, introduce a Bill to incorporate the Topeka and Ottumwa Railroad Company.

Mr. Lynde gave notice that he would, at an early day, introduce a Bill to amend the Highway Law, approved Feb. 4th, 1859; also, a Bill to extend the time for the completion of the Kansas River Bridge at Tecumseh.

Mr. Dutton gave notice that he would, at an early day, introduce a Bill changing the name of Isabella Vaughn; also, a Bill in relation to roads in Brown County.

Mr. Knowles gave notice that he would, on some subsequent day, introduce a Bill to incorporate the Dayton Town Company.

Mr. Heath gave notice that he would, at an early day, introduce a Bill defining the county boundaries of Douglas County; also, a Bill to prevent the driving diseased cattle into this Territory.

Mr. Parks gave notice that he would, at an early day, introthe following Bills:

"An Act in relation to County Officers;" also, "An Act to authorize the County of Leavenworth to issue Bonds for railroad purposes;" also, "An Act amendatory to an Act entitled 'An Act to restrain Dram Shops and Taverns, and to regulate the sale of intoxicating liquors;" also, "An Act to regulate and define the jurisdiction of the Probate Court in Leavenworth County;" also, "An Act in relation to Township Officers."

Mr. Parks moved to adjourn until to-morrow, at 9 o'clock, A. M.

Mr. Lynde moved to amend by inserting 3 o'clock, P. M.

Lost.

The question recurring upon the motion of Mr. Parks, to adjourn until to-morrow at 9 o'clock, A. M.,

The yeas and nays were demanded, with the following result:

Yeas—21. Nays—14.

Those voting in the affirmative were

Messrs. Brown, Bartlett, Brooks, Cave, Dutton, Jones, Knowles, Lombard, Lindsay, Morton, Parks, Robertson, Rankin, Sims, Scott Sopris, Vanderslice, Whitehead, Wright, Wagstaff and Mr. Speaker.

Those voting in the negative were

Messrs. Blake, Chandler, Elliott, Fitzpatrick, Heath, Lynde, McMath, Nelson, Pierce, Reynolds, Shively, Sheldon and Wood.

So the motion to adjourn until to-morrow at 9 o'clock prevailed.

G. A. COLTON,
Speaker of the House.

M. W. DELAHAY,
Chief Clerk.

WEDNESDAY, January 25, 1860,
10 o'clock, A. M.

House called to order by the Speaker.

Roll called.

Absentees, Messrs. Blake, Chandler, Heath, Knowles, Lombard, Lynde, McMath, Parks, Reynolds and Steward.

Journal of Monday and Tuesday was read and approved.

Mr. Wagstaff presented a petition from citizens of Paris, in Linn county, praying for another election upon the county seat of said county.

Referred to Committee on Counties, County Lines and County Seats.

Mr. Elliott presented a petition from George Bunnell and 85 others, praying for a Territorial road from Ottumwa, via Italia, to Council Grove; also, a petition of T. C. Hill and 98 others, for a Territorial road from Fort Scott, via Fremont and Americus, to Council Grove; also, a petition of Dr. Smively and 70 others, praying for a change in the Territorial road from Lawrence to Emporia.

Mr. Canniff presented a petition, signed by 185 voters of Shawnee county, praying for a new county, out of portions of Wabaunsee, Breckenridge and Osage counties.

Referred to the Committee on Counties, County Lines and County seats.

Mr. Wagstaff presented the petition of M. Arthur and 18 others, praying for a removal of the county boundaries of Linn county, Southward, three miles.

Referred to Committee on Counties and County Lines.

Mr. Morton presented a petition from citizens of Greenwood, county, against any change in the lines of said county.

Referred to Committee on Counties and County Lines.

Mr. Fitzpatrick offered the following resolution:

Resolved, That W. W. Ross be admitted to the floor of this House, as a Reporter for the Kansas *State Record.*

Adopted.

Mr. Sims presented a petition from citizens of Bourbon county, for an Act to locate the county seat by a vote of the people of said county.

Referred to Committee on Counties, County Lines and County Seats.

Mr. Jones presented the petition of Morris Howard and 46 others, for a vote on the county seat question of Linn county; also, from David Kendall and 32 others, for the same; also, a petition of William Provenger and 27 others, praying for a vote upon the location of the county seat of said county. All of which was

Referred to Committee on Counties and County Lines.

Mr. Chandler presented a petition of R. C. Mallon, and 23 others, for the location of the county seat of Riley county.

Referred to Committee on Counties and County Lines.

Also, a petition of Charles W. Beebe and 40 other citizens of Riley county, for a Ferry across the Kansas River at Manhattan.

Referred to Committee on Corporations and Banking.

Mr. Whitehead presented a petition from citizens of Palermo, praying for a Ferry across the Missouri River at the City of Palermo.

Referred to Committee on Corporations and Banking.

Mr. Brown presented a petition for a Territorial Road from Leavenworth City to Burlington, Coffey county, K. T.

Referred to Committee on Corporations and Banking.

Mr. Scott presented a petition from N. S. Gross and others, for a Territorial road from Fort Scott to Fort Riley.

Referred to Committee on Roads and Highways.

Mr. Reynolds presented a remonstrance from McKenney and 40 others, against any division of Davis county.

Referred to Committee on Counties, and County Lines.

Mr. Colton presented a petition from citizens of Marshall county, for a Ferry across the Little Blue River.

Referred to Committee on Incorporations and Banking.

The special order, in reference to instructing the Committee on Ways and Means to prepare a Revenue Bill, was taken up.

On motion of Mr. Sims, the blank in the resolution, as submitted by him, was filled by inserting therein, one-fifth of one per cent.

The resolution as amended was adopted.

The consideration of House Bills No. 43 and 44 was resumed.

On motion of Mr. McMath,

The House resolved itself into a Committee of the Whole, on House Bills Nos. 43 and 44.

Mr. McMath in the chair.

After some time spent therein,

The Committee arose, and through their Chairman reported House Bill No. 43 back, without recommendation.

The report was agreed to.

House Bill No. 43 was read a second time.

Bill read a third time, by sections.

Mr. Scott moved to strike out the second section, and insert the following amendment:

It is hereby made the duty of the Recorders of the several Land Districts in this Territory, within thirty days after the passage of this Act, to transfer all records of deeds, mortgages and other instruments of writing which they have in their possession, and all books, papers, seals, furniture &c., belonging to their offices, to the following persons: The Recorder of the Pawnee Land District to ——— ———; the Recorder of the Delaware Land District to ——— ———; the Recorder of the Osage Land District to ——— ———; the Recorder of the Western Land District to ——— ———.

Mr. Wood moved to lay the motion upon the table,

Upon which the yeas and nays were demanded, with the following result:

Yeas—12. Nays—26.

Those voting in the affirmative were

Messrs. Blake, Lombard, Murphy, McMath, Noel, Parks, Reynolds, Sopris, Vanderslice, Whitehead, Wright and Wood.

Those voting in the negative were

Messrs. Brown, Bartlett, Brooks, Chandler, Canniff, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lynde, Lindsay, Pierce, Morton, Nelson, Robertson, Rankin, Steward, Sims, Shively, Sheldon, Scott, Wagstaff and Mr. Speaker.

So the motion to lay upon the table was lost.

Mr. Bartlett, from the Committee on Elections, reported the following:

The Committee on Elections, to whom was referred House Bill No. 48, have had the same under consideration, and report it back, without recommendation, for the consideration of the House.

A. BARTLETT, Chairman.

On motion of Mr. Lindsay,

The House adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

Mr. Nelson moved a call of the House.

The call was ordered, and the Sergeant-at-Arms directed to bring in absentees.

Mr. McMath moved that further proceedings under the call be dispensed with.

Upon which the yeas and nays were demanded, with the following result:

Yeas—11. Nays—23.

Those voting in the affirmative were

Messrs. Brown, Blake, Heath, Murphy, McMath, Noel, Parks, Reynolds, Vanderslice, Whitehead and Wright.

Those voting in the negative were

Messrs. Bartlett, Brooks, Chandler, Canniff, Cave, Dutton, Fitzpatrick, Jones, Knowles, Lynde, Lindsay, Pierce, Morton, Nelson, Robertson, Rankin, Steward, Sheldon, Scott, Sopris, Wagstaff, Wood and Mr. Speaker.

So the motion to dispense with the further call of the House was lost.

Mr. Parks moved that further proceedings under the call of the House be dispensed with.

Carried.

The regular order of the House being the consideration of the amendment to House Bill No. 43, as submitted by Mr. Scott, it was resumed.

Mr. Wood moved to amend the amendment by striking out the word "persons" in the fourth line, and insert "commissioners," which was

Adopted.

The question being upon the adoption of the amendment to House Bill No. 43, as submitted by Mr. Scott,

The yeas and nays were demanded, with the following result:

Yeas—20. Nays—19.

Those voting in the affirmative were

Messrs. Bartlett, Chandler, Canniff, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lynde, Lindsay, Morton, Nelson, Pierce, Robertson, Steward, Shively, Sheldon, Scott, Wood and Mr. Speaker.

Those voting in the negative were

Messrs. Brown, Blake, Brooks, Cave, Heath, Lombard, Murphy, McMath, Noel, Parks, Reynolds, Rankin, Sims, Whitehead, Wright and Wagstaff.

So the amendment was adopted.

Mr. Wood moved to strike out Sec. 3d in the Bill, and insert the following:

Sec. 3d. It shall be the duty of the Commissioners of Deeds, in the last section mentioned, to receive and safely keep said Records of Deeds, Mortgoges, and other instruments of writing, books, papers, seals, furniture, &c., [for] disposal as hereinafter provided, and all such Records of Deeds, Mortgages &c., shall still be a lien upon the real estate described in them for one year, and no longer, after the passage of this Act, and shall be of the same force and effect, in all respects whatsoever, as they have heretofore been, by law, for one year, as aforesaid, and the said Commissioners shall have the same power to discharge said mortgages, as was by law conferred upon the Land District Recorder prior to the passage of this Act.

Mr. Nelson moved to lay the substitute upon the table, Upon which the yeas and nays were demanded with the following result:

Yeas—27. Nays—9.

Those voting in the affirmative were

Messrs. Brown, Brooks, Dutton, Fitzpatrick, Heath, Jones, Knowles, Lynde, Lindsay, McMath, Pierce, Morton, Noel, Nelson, Robertson, Reynolds, Rankin, Steward, Sims, Shively, Sheldon, Scott, Vanderslice, Whitehead, Wright and Mr. Speaker.

Those voting in the negative were

Messrs. Bartlett, Chandler, Canniff, Cave, Elliott, Lombard, Murphy, Parks and Wood.

So the motion to lay on the table prevailed.

Mr. Scott moved to strike out the word "Registers," in Sec. 3d, and insert "Commissioner," which

Motion prevailed.

Mr. Nelson moved to strike out Sec. 4th in the Bill, and insert the following, as a substitute:

Sec. 4th. The before mentioned Commissioners shall, after receiving said record, open an office, at their own expense, in the county seat of the county where the Land District Recorder's office is now located, and proceed to transcribe into suitable books, taking care to transfer the records pertaining to the land of the several counties into a separate book, and shall, immediately on completion of the transcribing thereof, transmit the several books to the Register of the proper counties, who shall keep the same in their office, and such records, as so transferred and properly certified, shall be of like force and effect with other records of said Commissioners.

Mr. Wood offered the following, as an amendment to the substitute of Mr. Nelson:

The before mentioned Commissioners, after receiving said records, shall open an office, at their own expense, in the county where said Land District office is now located, and proceed immediately to transcribe all deeds conveying lands in fee simple, and after six months, and within one year, proceed to transcribe all mortgages and other instruments of writing then in force, into suitable books.

Mr. Scott moved to lay the amendment on the table, upon which

The yeas and nays were demanded, with the following result:

Yeas—22. Nays—10.

Those voting in the affirmative were

Messrs. Brown, Brooks, Chandler, Canniff, Cave, Dutton, Fitzpatrick, Heath, Knowles, Lombard, Lindsay, Nelson, Robertson, Reynolds, Rankin, Steward, Sims, Shively, Scott, Whitehead, Wright and Wagstaff.

Those voting in the negative were

Messrs. Bartlett, Elliott, Jones, Lynde, Murphy, McMath, Pierce, Parks, Wood and Mr. Speaker.

So the motion to lay upon the table prevailed.

Mr. Rankin gave notice that, at an early day, he would introduce a Bill to submit the location of the county seat of justice of Douglas county to a vote of the people.

Mr. Vanderslice gave notice that, at an early day, he would introduce a Bill for a Territorial road from Iowa Point to the Nebraska line, to a town opposite the town of Cincinnati, Nebraska Territory.

Mr. Chandler gave notice that, at an early day, he would introduce a Bill for the charter of a Ferry across the Kansas river, at the city of Manhattan; also, a Bill for a ferry across the Kansas river, at the city of Ogden.

Mr. Wright gave notice that, at an early day, he would introduce a Bill for the opening and repairing of public highways.

Mr. Rankin gave notice that, at an early day, he would introduce a Bill to change a certain Territorial road.

Mr. Heath gave notice that he would introduce a Bill to amend the registry law.

Mr. Murphy gave notice that he would introduce a Bill creating a lien in favor of mechanics and laborers.

Mr. Robertson gave notice that, at an early day, he would introduce a Bill for a Territorial road from the city of Atchison to Iowa Point.

Mr. Elliott gave notice that he would, at an early day, introduce a Bill changing the name of Breckenridge county to that of Dayton.

Mr. Murphy gave notice that he would introduce a Bill, entitled "An Act legalizing certain records and proceedings in Leavenworth county."

Mr. McMath gave notice that he would introduce the following Bills: "An Act to provide for the partition of real estate;" also, "An Act to incorporate the Wyandott Lodge No. 3, of Ancient Free and Accepted Masons;" also, "An Act to amend an Act entitled 'An Act incorporating the city of Quindaro.'"

Mr. Lombard introduced House Bill No. 86, entitled "An Act to locate a Territorial road."

Referred to Committee on Roads and Highways.

Mr. Bartlett introduced House Bill No. 87, entitled "An Act to establish a certain Territorial road."

Referred to Committee on Roads and Highways.

Mr. Knowles introduced House Bill No. 88, entitled "An Act to incorporate the Dayton Town Company."

Referred to Committee on Incorporations and Banking.

Mr. Vanderslice introduced House Bill No. 89, entitled "An Act to locate a Territorial road from Lawrence to Iowa Point."

Referred to Committee on Roads and Highways.

Mr. Bartlett introduced House Bill No. 90, entitled "An Act to charter a ferry across the Kansas river, at the town of St. George."

Referred to Committee on Incorporations and Banking.

Mr. Shively introduced House Bill No. 91, entitled "An Act to establish a Territorial road from Olathe to Iola."

Referred to Committee on Roads and Highways.

Mr. Lindsay introduced House Bill No. 92, entitled "An Act legalizing the acts of F. A. Hart."

Referred to Committee on Judiciary.

Mr. Scott introduced House Bill No. 42, entitled "An Act explanatory to an Act entitled 'An Act legalizing certain bonds therein named,'" approved January 18, 1860.

Referred to Committee on Judiciary.

Also, "An Act to facilitate the pursuit of practical anatomy."

Read a first time.

Laid on the table and ordered to be printed.

Mr. Pierce introduced House Bill No. 95, entitled "An Act to locate a certain Territorial road."

Referred to Committee on Roads and Highways.

Mr. McMath introduced House Bill No. 96, entitled "An Act incorporating the city of Quindaro."

Referred to Committee on Incorporations and Banking.

Also, "An Act to provide for the issue of duplicate Territorial Warrants in certain cases."

Referred to Committee on Judiciary.

Mr. Jones introduced House Bill No. 98, entitled "An Act to provide for the keeping up of stock at night."

Referred to Committee on Agriculture and Manufactures.

Mr. Scott introduced House Bill No. 99, entitled "An Act to prevent the introduction of diseased cattle into the Territory of Kansas."

Referred to Committee on Agriculture and Manufactures.

Mr. Murphy introduced House Bill No. 100, entitled "An Act legalizing certain records and proceedings in Leavenworth County."

Referred to Committee on Judiciary.

On motion of Mr. Heath,

The House adjourned.

GUSTAVUS A. COLTON,
Speaker of the House.

M. W. DELAHAY,
Chief Clerk.

THURSDAY, January 26th, 1860,
9 o'clock, A. M.

House called to order by the Speaker.

Roll called.

Absent, Messrs. Blake, Cornwell, Murphy, Pierce, Parks, Steward, Sims, and Sheldon.

Journal of yesterday was read and approved.

Message from the Council:

MR. SPEAKER:—I am instructed to inform your Honorable Body that the Council have passed Council Bill No. 20, entitled "An Act to incorporate Washington Lodge No. 5, of Ancient Free and Accepted Masons;" also, Council Bill No. 19, entitled "An Act to change the name of Bonhein Katz to Kahn;" also, Council Bill No. 17, entitled "An Act to locate the County Seat of Franklin county;" also, House Bill No. 2, entitled "An Act to establish a Ferry at the City of Topeka," with the following amendment:

Insert "boat" after "flat," section 2d, line 3d. Section 4th, 10th line, strike out "create" and insert "work." In section 3d, 3d line, strike out "sufficient" and insert "reasonable."

In which your concurrence is respectfully solicited.

A. CUTLER,
Assistant Secretary.

On motion of Mr. Fitzpatrick, the morning orders were dispensed with, and House Bill No. 2, entitled "An Act to establish a Ferry at the City of Topeka," was taken up.

On motion of Mr. Fitzpatrick,

The House concurred in the amendments of the Council.

On motion of Mr. Bartlett, the morning orders were further dispensed with, and Council Bill No. 89, entitled "An Act to provide for the raising of a tax in Pottawatamie county," was taken up.

Rules suspended.

Read a second and third time, and

Put upon its final passage.

The vote being taken, resulted as follows:

Yeas—37. Nays—1.

Those voting in the affirmative were

Messrs. Brown, Blake, Bartlett, Brooks, Chandler, Canniff, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lombard, Lynde, Lindsay, Murphy, McMath, Morton, Noel, Nelson, Pierce, Parks, Robertson, Reynolds, Rankin, Steward, Sims, Shively, Sheldon, Scott, Sopris, Vanderslice, Whitehead, Wagstaff, Wright and Mr. Speaker.

Voting in the negative,

Mr. Wood.

So the bill passed.

The title was agreed to.

Mr. Parks offered the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to procure from the Secretary of the Territory, or the printer, five thousand copies of the Governor's annual message; five thousand copies of the Governor's extra message; three thousand copies of the Auditor's annual report; five hundred copies of the Treasurer's annual report; five hundred copies of the annual report of the Superintendent of Common Schools, for the use of the members of this House.

Mr. Elliott moved to strike out the word "extra," in the resolution, and insert "one thousand of each."

The resolution, as amended, was adopted.

The regular order of business being the consideration of the substitute by Mr. Nelson, it was resumed.

Mr. Nelson moved that the Bill be committed to a Select Committee of three.

Mr. Heath, by unanimous consent, offered the following resolution:

Resolved, That this House make suitable provisions to procure the service of an impartial attorney, who shall, without fear or favor, give counsel to all the members of this House alike, whenever any important Bill shall be under consideration, and thus prevent any favorite, who may enjoy the confidence and share the counsel of an attorney not employed by this House, from enjoying any undue advantage over their more unfortunate fellow members; and that said attorney be occasionally allowed, for one moment, the right to speak.

Mr. Sheldon moved to lay the resolution upon the table.

Carried.

The question being upon the motion of Mr. Nelson, to commit House Bill No. 43 to a Select Committee,

The yeas and nays being demanded, resulted as follows:

Yeas—22. Nays—15.

Those voting in the affirmative were

Messrs. Brown, Blake, Cave, Elliott, Fitzpatrick, Heath, Lombard, Murphy, McMath, Noel, Nelson, Parks, Reynolds, Sims, Shively, Sheldon, Sopris, Vanderslice, Whitehead, Wright, Wagstaff and Wood.

Those voting in the negative were

Messrs. Bartlett, Brooks, Chandler, Dutton, Jones, Knowles, Lynde, Lindsay, Pierce, Morton, Robertson, Rankin, Steward, Scott and Mr. Speaker.

So the motion to commit prevailed.

Mr. Parks introduced a substitute to the Bill, which was

Read by title, and

Referred to the Select Committee.

The Speaker appointed as said Committee, Messrs. Scott, Lynde and Heath.

On motion of Mr. Morton,

The House adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

Mr. Shively presented a petition from A. Hellinger and 195 others, citizens of Franklin county, praying for a change in the Northern boundary line of said county; also, asking to have the location of the county seat submitted to the people.

Referred to Committee on Counties, County Seats and County Lines.

Mr. Jones presented a petition of John N. Fender and 89 others, praying for a vote on the county seat of Lykins county; also, one from Dr. Way and 15 others, for the same; also, one from G. W. Hatch and 39 others, for the same; also, one from D. R. Round and 37 others; one from W. S. Smith and 8 others, for the same; one from W. Hollingshead and 15 others, for the same; one from William Hobson and 83 others, for the same; one from A. Walters and 84 others, for the same.

Mr. Pierce presented a petition from J. E. C. Freeman and 45 others, praying that a certain Act, therein named, be legalized.

Mr. Wood presented a petition of G. Humphry and 53 others, legal voters of Madison county, praying that township 20 and 21 be attached to Breckenridge county; also, a petition of G. Weaver and 116 others, legal voters of Breckenridge county, praying for a change in the county lines of said county, in accordance with the prayer of C. H. Withington and others.

Mr. Bartlett presented a petition of S. D. Bowman and 61 others, praying for a removal of the Western boundary of Wabaunsee county; also a petition of E. S. Lower and 17 others, for the same; also, a remonstrance of A. Gomel and 112 others, against any change in the line of Pottawatamie county; also, a remonstrance of E. M. Squires and 70 others, for the same, all of which were

Referred to Committee on Counties, County Lines and County Seats.

Mr. McMath offered the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms be and is hereby required strictly to enforce Rule No. 11 of the Rules of this House.

Mr. Lynde offered the following resolution, which was adopted:

Resolved, That the Speaker of the House be authorized to place a copy of the approved journal of the House for each day in the hands of the printer, for publication.

Mr. Elliott presented a remonstrance, from R. M. Ruggles and other citizens of Breckenridge County, against any change in the western boundary of said County.

Referred to Committee on Counties and County Lines.

Mr. Robertson presented a memorial of M. V. Barr, praying for a divorce.

Referred to Committee on Judiciary.

Mr. Nelson presented a remonstrance, signed by two hundred and two citizens of Coffey County, against any division of said County; also, a copy of certain resolutions [adopted] by the Board of Supervisors of said County, both of which were

Referred to Committee on Counties, County Lines and County Seats.

Council Concurrent Resolution No. 3 was taken up, in relation to appointment of commissioners to examine the affairs of the Kansas Valley Bank.

On motion of Mr. Parks, the resolution was laid upon the table.

Council Concurrent Resolution No. 4, in relation to the appointment of a committee to examine the late census returns, were taken up, and,

On motion, the House concurred.

Message from the Council:

Mr. Speaker:—I am directed, by the Council, to inform your Honorable Body that the Council have passed House Bill No. 53, entitled "An Act extending the time for the payment of Taxes," with the following amendments, in which your concurrence is solicited:

In line 2d, of Section 1st, before "taxes" read "County and Township."

In Section 10, after "Doniphan" read "Leavenworth."

Also, House Bill No. 4, entitled "An Act extending the time for the collection of Taxes in Doniphan County."

JOHN J. INGALLS,
Secretary.

The amendments of the Council were concurred in by the House.

Council concurrent resolution No. 5, in relation to the appointment of a Committee to request the Secretary of the Territory to report upon the amount of money in his hands, of the appropriation made by Congress to defray Legislative expenses, was taken up, and

On motion, the House coucurred in the resolutions of the Council.

The Speaker appointed as Committee on the part of the House, Messrs. Parks and Nelson.

Mr. Sheldon offered the following resolution which was adopted:

Resolved, That the Sergeant-at-arms, be requested to furnish two long benches, to be placed in the Lobby, for the benefit of visitors.

Mr. Jones offered the following resolution, which was adopted:

Resolved, By the House of Representatives, the Council concurring therein, that two members on the part of the House and one on the part of the Council, be added to the Committee that has been appointed to revise the Code of Laws, for county and township organizations.

On motion of Mr. Wood, the rules were suspended, and

Resolution read a second time, and

Adopted.

The Speaker appointed as the said Committee, on the part of the House, Messrs. Wood and Wagstaff.

Mr. Bartlett offered the following resolution, which was adopted:

Resolved, That the Hon. Charles B. Lines be admitted to a seat within the bar of this House.

Mr. Brooks, from Committee on Corporations and Banking, submitted the following reports:

The Committee on Corporations, having had under consideration, House Bill No. 35, entitled "An Act to incorporate the Gaston Quartz Mining Company," report the same, with the following amendment, and recommend its passage:

In section 6th, strike out 20 and insert 10.

P. R. BROOKS, Chairman.

The Committee on Corporations and Banking have had under consideration House Bill No. 36, entitled "An Act to incorporate the Pike's Peak Gold Mining Company," report the same, without amendment, and recommend its passage.

Also, House Bill No. 32, and report the same back to the House, and recommend its indefinite postponement.

Also, House Bill No. 26, entitled "An Act to authorize W. D. Harris and Alexander Street, to build a bridge across 110 mile creek at the town of Washington," report the same without amendment, and recommend its passage.

Also, House Bill No. 29, entitled "An Act to incorporate the town and town company of Fremont," report the same, with the following amendment, and recommend its passage:

Add to Sec. 6th, these words: "so far as they relate to real property in said town."

Also, House Bill No. 47, and beg leave to report the same, without recommendation.

Also, House Bill No. 12, entitled "An Act to incorporate the town of Stanton," report the same, without amendment, and recommend its passage.

Also, House Bill No. 34, entitled "An Act for the incorporation of the Colona Mining Company," and beg leave to report the same, without amendment, and recommend its passage.

Also, House Bill No. 19, entitled "An Act to incorporate the Neosho Falls Town Company," and report the same, without amendment, and recommend its passage.

Also, House Bill No. 67, entitled "An Act to incorporate a ferry across the Missouri river, at Quindaro," and report the same and recommend its passage, with the following amendments:

In Sec. 2d, strike out the words, "hereby consent, promise and agree that," and insert the words, "shall provide."

After the word Quindaro, strike out the words, "shall be kept by them and their assigns; the said boat or boats to be," and insert the words, "which shall be kept by them or their assigns."

Strike out "twenty years" wherever it occurs, and insert "ten years."

Also, House Bill No. 33, entitled "An Act to charter a ferry across the Arkansas river, at Huerfano," report the same and recommend its passage, with the following amendment:

Add Sec. 2d, as follows: Sec. 2d. The said corporators shall have the power to charge such rates of toll for crossing at said ferry, as may be prescribed by the tribunal transacting county business in Arrapahoe county.

Also, House Bill No. 40, entitled "An Act to incorporate the First Baptist Church in the city of Atchison," and report the same, without amendment, and recommend its passage.

Also, House Bill No. 16, entitled "An Act supplemental to 'An Act to incorporate and establish the city of Wyandott,'" and report the same back, without amendment, and recommend its passage.

Also, House Bill No. 38, entitled "An Act to establish a ferry at the city of Montana, in Arrapahoe county," and report the same, and recommend its passage with the following amendment:

In Sec. 2d, strike out the words "hereby promise and agree to," and insert the words "shall."

Also, House Bill No. 39, entitled "An Act to incorporate the Mammoth Quartz Lead Mining Company," and report the same, without amendment, and recommend its passage.

Also, House Bill No. 14, entitled "An Act to establish and charter a ferry across the Missouri river, at the city of Wyandott," report the same, without amendment, and recommend its passage.

Also, House Bill No. 5, entitled "An Act to incorporate the

Iola Town Company," and report the same, with the following amendment, and recommend its passage:

In Sec. 2d, strike out the words "six hundred and forty," and insert the words "three hundred and twenty."

Strike out Sec. 3d.

Also, House Bill No. 58, and report the same, without recommendation.

Also, House Bill No. 18, and beg leave to report the same, without amendment, and recommend its passage.

Also, House Bill No. 69, entitled "An Act to incorporate Lawrence Lodge of Ancient Free and Accepted Masons."

Also, House Bill No. 92, entitled "An Act to incorporate the St. John's Lodge, No. 26, at Atchison."

Also, House Bill No. 73, entitled "An Act establishing a Ferry at Le Roy, in Coffey county."

Also, House Bill No. 75, entitled "An Act incorporating Neosho Lodge of Ancient Free and Accepted Masons."

Also, House Bill No. 76, entitled "An Act to incorporate the Osage Town Company," and beg leave to report the same, without amendment, and recommend their passage.

P. R. BROOKS, Chairman.

Mr. Wood, from the Committee on Judiciary, reported the following:

MR. SPEAKER:—The Judiciary Committee, to whom was referred House Bills Nos. 6, 24, 25 and 11, have had the same under consideration, and have instructed me to report them back to the House, and recommend their passage.

S. N. WOOD, Chairman.

Mr. Lynde, from the Committee on County Lines, submitted the following report:

The Committee on County Lines ask leave to report that they have examined House Bill No. 23, "An Act to provide for the permanent location of the county seat of Washington county," and recommend its passage.

Mr. Wood, from Committee on Federal Relations, submitted the following report:

The Committee on Federal Relations, having had under consideration House Bill No. 46, entitled "An Act to prevent the settlement of free Negroes in Kansas," instruct me to report the same back, without amendment or recommendation, for the action of the House.

S. N. WOOD, Chairman.

Mr. Wood, from Committee on Judiciary, reported the following:

MR. SPEAKER:—The Committee on Judiciary, to whom was referred House Bill No. 91, entitled "An Act for the relief of John Kendall," have instructed me to report the same back, and recommend that it be referred to the Committee on Claims.

Also, a petition of citizens of Quindaro [for] a Ferry charter, and recommend its reference to the Committee on Incorporations and Banking.

Also, have instructed me to report House Bill No. 28 back, without amendment or recommendation.

Also, House Bill No. 27, and recommend its indefinite postponement.

S. N. WOOD, Chairman.

On motion of Mr. Parks, the rules were suspended, and Council Bill No. 18, entitled "An Act to fix the time for holding Supreme Court," was taken up, and

Read a second time.

Mr. Wood moved to strike out the word "Capital" in the Bill.

Mr. Parks moved to lay the motion upon the table, which was

Carried.

On motion of Mr. Parks, rules were suspended, and

Bill read third time, and

Put upon its final passage.

The vote being taken, resulted as follows:

Yeas—31. Nays—3.

Those voting in the affirmative were

Messrs. Brown, Brooks, Blake, Chandler, Cornwell, Cave, Dutton, Fitzpatrick, Heath, Knowles, Lombard, Lynde, Lindsay, McMath, Noel, Nelson, Pierce, Parks, Robertson, Reynolds, Rankin, Steward, Sims, Shively, Scott, Sopris, Vanderslice, Whitehead, Wright, Wagstaff and Mr. Speaker.

Those voting in the negative were

Messrs. Jones, Morton and Wood.

The Bill passed.

The title was agreed to.

Council Bill No. 19, entitled "An Act to change the name of Bonheim Katz to Bonheim Kahn," was taken up.

Rules suspended.

Bill read a second and third time, and

Put upon its final passage.

The vote being taken, resulted as follows:

Yeas—31. Nays—4.

Those voting in the affirmative were

Messrs. Brown, Blake, Bartlett, Chandler, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lombard, Lynde, Lindsay, McMath, Morton, Noel, Pierce, Parks, Robertson, Reynolds, Steward, Simms, Shively, Scott, Sopris, Vanderslice, Whitehead, Wagstaff and Mr. Speaker.

Those voting in the negative were

Messrs. Brooks, Rankin, Wright and Wood.

So the Bill passed.

The title was agreed to.

Message from the Council:

MR. SPEAKER:—I am instructed by the Council to inform your Honorable Body that the Council has passed Council Bill No. 42, entitled "An Act to change the time of holding the Spring term of the District Court in Douglas county;" also, Council Bill No. 48, entitled "An Act to permanently locate the county seat of Wyandott county."

Your concurrence is desired.

JOHN J. INGALLS
Secretary.

Mr. Wood, from Committee on Judiciary, reported the following:

MR. SPEAKER:—The Judiciary Committee, to whom was referred House Bills Nos. 9, 11, 15 and 82, in reference to amending the Code of Civil Procedure, have instructed me to report the same back, with a substitute, and recommend the passage of the same.

Also, the petition of Lucinda F. Gee, praying for a divorce, have examined the petition and affidavit in the case, and have been instructed to report the petition back and recommend that its prayer be granted.

They have also instructed me to report a Bill to the House to to that effect, and recommend its passage.

House Bill No. 123, "An Act divorcing Lucinda F. Gee and James Gee," was taken up,

Read by its title, and

Laid over, under the rules.

Mr. Lindsay, from Committee on Agriculture and Manufactures, respectfully reports that they have had under consideration House Bill No. 61, and report it back, without amendment, and recommend its passage.

THOMAS LINDSAY, Ch'n.

On motion of Mr. Jones, House Bill No. 61, "An Act incorporating the Linn County Agricultural Society," was taken up.

Rules suspended.

Read a second and third time, and

Put upon its final passage.

The vote being taken, resulted as follows:

Yeas—36. Nays—1.

Those voting in the affirmative were

Messrs. Brown, Blake, Bartlett, Brooks, Chandler, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lombard, Lynde, Lindsay, Murphy, McMath, Pierce, Morton, Noel, Nelson, Parks, Robertson, Reynolds, Rankin, Steward, Sims, Shively, Scott, Sopris, Vanderslice, Whitehead, Wright, Wagstaff and Mr. Speaker.

Those voting in the negative were

Mr. Wood.

So the Bill passed.

The title was agreed to.

House Bill No. 76, entitled "An Act incorporating the Osage Town Company," was taken up,

Read second time.

Rules suspended, and Bill

Read a third time, and

Put upon its final passage.

The vote being taken, resulted as follows:

Yeas—34. Nays—none.

Those voting in the affirmative were

Messrs. Brown, Brooks, Bartlett, Chandler, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lombard, Lynde, Lindsay, Murphy, McMath, Morton, Noel, Nelson, Parks, Pierce, Robertson, Reynolds, Steward, Sims, Shively, Scott, Sopris, Vanderslice, Whitehead, Wright, Wood and Mr. Speaker.

And so the Bill passed.

The title was agreed to.

House Bill No. 36, entitled "An Act to incorporate the Gaston Quartz Mining Company," was taken up, and

Read a second time.

Rules suspended, and

Bill read a third time, and

Put upon its final passage.

The vote being taken, resulted as follows:

Yeas—33. Nays—none.

Those voting in the affirmative were

Messrs. Brown, Blake, Bartlett, Chandler, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lombard, Lynde, Lindsay, Murphy, McMath, Morton, Noel, Nelson, Parks, Pierce, Robertson, Reynolds, Rankin, Steward, Sims, Shively, Sheldon, Scott, Sopris, Vanderslice, Whitehead, Wright, Wagstaff, Wood and Mr. Speaker.

So the Bill passed.

The title was agreed to.

On motion, House concurred in the amendment of the Committee on Corporations and Banking, as recommended.

House Bill No. 36, "An Act to incorporate the Pike's Peak Gold Mining Company," was taken up, and

Rules suspended.

Bill read a second and third time, and

Put upon its final passage.

The vote being taken, resulted as follows:

Yeas—35. Nays—none.

Those voting in the affirmative were

Messrs. Brown, Blake, Bartlett, Chandler, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lombard, Lynde, Lindsay, Murphy, McMath, Morton, Noel, Nelson, Parks, Pierce, Robertson, Reynolds, Rankin, Steward, Sims, Shively, Scott, Sopris, Vanderslice, Wright, Whitehead, Wagstaff, Wood and Mr. Speaker.

So the Bill passed.

The title was agreed to.

House Bill No. 39, "An Act to incorporate the Quarts Lead Mining Company," was taken up.

Rules suspended.

Bill read a second and third time, and

Put upon its final passage.

The vote being taken, resulted as follows:

Yeas—33. Nays—none.

Those voting in the affirmative were

Messrs. Brown, Blake, Bartlett, Brooks, Chandler, Cave, Cornwell, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lombard, Lynde, Lindsay, Murphy, McMath, Morton, Noel, Nelson, Parks, Pierce, Robertson, Reynolds, Rankin, Steward, Sims, Shively, Sopris, Vanderslice, Whitehead, Wright, Wagstaff and Mr. Speaker.

So the Bill passed.

The title was agreed to.

Mr. Scott moved to reconsider the vote by which the resoulution relating to the printing of the Governor's Message [was adopted.]

Carried.

Mr. Scott offered the following, as an amendment to the resolution:

Strike out "one thousand copies of the Governor's annual message," and insert "5,000."

The amendment was agreed to.

The Resolution, as amended, was adopted.

House Bill No. 34, "An Act to incorporate the Colona Mining Company," was taken up

Rules suspended.

Read a second and third time, and,

Put upon its final passage.

The vote being taken, resulted as follows:

Yeas—34. Nays—none.

Those voting in the affirmative were

Messrs. Brown, Blake, Bartlett, Brooks, Chandler, Cornwell, Dutton, Elliott, Fitzpatrick, Jones, Lombard, Lynde, Lindsay, Murphy, McMath, Morton, Noel, Nelson, Parks, Pierce, Robertson, Reynolds, Rankin, Steward, Sims, Shively, Scott, Sopris, Vanderslice, Whitehead, Wright, Wagstaff, Wood and Mr. Speaker.

So the Bill passed.

The title was agreed to.

House Bill No. 38, "An Act to establish a Ferry at the city of Montana, in Arrapahoe county," was taken up

Rules suspended.

—Bill read a second and third time, and

Put upon its final passage.

The vote being taken, resulted as follows:

Yeas—35. Nays—none.

Those voting in the affirmative were

Messrs. Brown, Blake, Bartlett, Brooks, Chandler, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lombard. Lynde, Lindsay, Murphy, McMath, Morton, Noel, Nelson, Parks, Pierce, Robertson, Reynolds, Steward, Sims, Shively, Scott, Sopris, Vanderslice, Whitehead, Wright, Wagstaff, Wood and Mr. Speaker.

So the Bill passed.

The title was agreed to.

The amendment, as recommended by the Committee on Corporations and Banking, to strike out the words "hereby promise and agree to," and insert "shall," was adopted.

Mr. Scott, from Special Committee, to whom was referred House Bill No. 43, submitted the following report:

The Special Committee to whom was referred House Bills No. 43 and 102, beg leave to report that they have had the same under consideration, with the various Bills and propositions referred therewith. After a careful examination of the subject, your Committe find that the work of transferring all the records in the offices of the four Land Distuict Recorders, can be performed for the sum of five thousand dollars, including all the necessary expense for books and stationary. Your Committee, therefore, report back House Bill No. 102, without recommend[ation,] and recommend that House Bill No. 43, as amended by the House, be adopted, with the following amendment:

Strike out Sec. 5th, and insert: "That for the purpose of defraying the expense of the transcript herein provided for, there shall be appropriated, out of any money in the Treasury not otherwise appropriated, the following sums, to wit: For the Pawnee District, three thousand dollars; for the Delaware District, one thousand dollars; for the Western District, five hundred dollars; for the Osage District, five hundred dollars; which sums, and no more, shall be paid by the Territorial Treasurer of [to] the above named Commissioners, respectively, when they shall have completed the transcript hereinbefore provided for. The above named Commissioners shall, severally, give bonds to the Territory of Kansas, with securities, to be approved by the Probate Judge in the several counties where such offices are located, and conditional for the faithful performance of their duties as herein prescribed."

Your Committee would, also, recommend that four months be allowed in which to complete the transcript.

All of which is respectfully submitted.

JOHN W. SCOTT,
E. LYNDE,
E. HEATH,
Committee.

House Bill No. 19, "An Act to incorporote the Neosho Falls Town Company," was taken up.

Read a first time.

Rules suspended.

Read a second time.

Rules suspended.

Read a third time, and

Upon its final passage the vote resulted:

Yeas—36. Nays—none.

Those voting in the affirmative were

Messrs. Brown, Bartlett, Brooks, Chandler, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lynde, Lombard, Lindsay, Murphy, McMath, Morton, Noel, Nelson, Parks, Pierce, Robertson, Reynolds, Rankin, Steward, Sims, Shively, Scott, Sheldon, Sopris, Vanderslice, Whitehead, Wright, Wagstaff, Wood and Mr. Speaker.

So the Bill passed.

The title was agreed to.

Mr. Sims, from Committee on Enrolled Bills, has examined House Bill No. 2, and find it corretly enrolled.

CHARLES SIMS, Chairman.

Council Bill No. 48, "An Act to locate, permanently, the county seat of Wyandott county," was taken up, and

Read a first time,

Rules suspended.

Read a second time.

Rules suspended.

Read a third time, and,

Upon its final passage, the vote resulted in

Yeas—34. Nays—none.

Those voting in the affirmative were

Messrs. Brown, Bartlett, Brooks, Chandler, Cave, Cornwell, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lombard, Lynde, Lindsay, Murphy, McMath, Morton, Noel, Nelson, Parks, Pierce, Robertson, Reynolds, Rankin, Steward, Sims, Shively, Scott, Sopris, Vanderslice, Whitehead, Wright, Wagstaff and Wood.

So the Bill passed.

The title was agreed to.

House Bill No. 69, "An Act to incorporate the Lawrence Lodge of Ancient Free and Accepted Masons," was taken up.

Read a first time.

Rules suspended.

Read a second time.

Rules suspended.

Read a third time, and,

Upon its final passage, the vote resulted as follows :

Yeas—35. Nays—none.

Those voting in the affirmative were

Messrs. Brown, Bartlett, Brooks, Chandler, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lombard, Lynde, Lindsay, Murphy, McMath, Morton, Noel, Nelson, Parks, Pierce, Robertson, Reynolds, Rankin, Steward, Sims, Shively, Scott, Sopris, Vandersliee, Whitehead, Wright, Wagstaff, Wood and Mr. Speaker.

So the Bill passed.

The title was agreed to.

House Bill No. 12, "An Act to incorporate the town of Stanton," was taken up, and

Read a first time.

Rules suspended.

Read a second time.

Rules suspended, and

Bill read a third time, and,

Upon its final passage, the vote resulted in

Yeas—35. Nays—1.

Those voting in the affirmative were

Messrs. Brown, Bartlett, Brooks, Chandler, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lombard, Lynde, Lindsay, Murphy, McMath, Morton, Noel, Nelson, Parks, Pierce, Robertson, Reynolds, Rankin, Steward, Sims, Shively, Sheldon, Scott, Sopris, Vanderslice, Whitehead, Wright, Wagstaff and Mr. Speaker.

Voting in the negative,

Mr. Wood.

So the Bill passed.

The title was agreed to.

House Bill No. 40, "An Act to incorporate the First Baptist Church in the city of Atchison," was taken up.

Read a first time.

Rules suspended.

Read a second time.

Rules suspended, and

Read a third time, and,

Upon its final passage, [the vote] resulted as follows:

Yeas—35. Nays—1.

Those voting in the affirmative were

Messrs. Brown, Bartlett, Brooks, Chandler, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lombard, Lynde, Lindsay, Murphy, McMath, Morton, Noel, Nelson, Parks, Pierce, Robertson, Reynolds, Rankin, Steward, Sims, Shively, Sheldon, Scott, Sopris, Vanderslice, Whitehead, Wright, Wagstaff and Mr. Speaker.

Voting in the negative,

Mr. Wood.

So the Bill passed.

The title was agreed to.

House Bill No. 14, "An Act to charter a ferry across the Missouri river, at the city of Wyandott," was taken up.

Read a first time.

Rules suspended.

Read a second time.

Rules suspended, and

Read a third time.

On motion of Mr. Wood, the House reconsidered the vote by which the Bill was ordered to a third reading.

Mr. Lynde moved to strike out the words "twenty-five years" where it occurred in the Bill.

Carried.

Mr. Lynde moved to insert the words 'ten years" therein.

Mr. McMath moved an amendment, to insert "fifteen years."

Upon which the vote was taken, with the result in

Yeas—17. Nays—19.

Those voting in the affirmative were

Messrs. Brown, Jones, Knowles, Lindsay, Murphy, Noel, Nelson, Parks, Reynolds, Rankin, Shively, Sheldon, Scott, Sopris, Vanderslice and Whitehead.

Those voting in the negative were

Messrs. Bartlett, Brooks, Chandler, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Lombard, Lynde, Morton, Pierce, Robertson, Steward, Sims, Wright, Wagstaff, Wood and Mr. Speaker.

The amendment was lost.

The question recurring upon the motion of Mr. Lynde, to insert the words "ten years" in the Bill, it was

Carried.

The vote being taken, resulted as follows:

Yeas—36. Nays—1.

Those voting in the affirmative were

Messrs. Brown, Blake, Bartlett, Brooks, Chandler, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lombard, Lynde, Lindsay, McMath, Morton, Noel, Nelson, Parks, Pierce, Robertson, Reynolds, Rankin, Steward, Sims, Shively, Sheldon, Scott, Sopris, Vanderslice, Whitehead, Wright, Wagstaff, Wood and Mr. Speaker.

Voting in the negative,

Mr. Murphy.

So the Bill passed.

The title was agreed to.

Mr. Morton offered the following resolution:

Resolved, That the Committee on Counties and County Lines be and is hereby instructed to report upon House Bill No. 20, "An Act to change the south boundary line of Butler county," by to-morrow morning, at half-past 9 o'clock.

Mr. Lindsay introduced House Bill No 101, entitled "An Act for the protection of Crops."

Referred to Committee on Agriculture and Manufactures.

Mr. Parks introduced House Bill No. 102, "An Act repealing an Act, entitled 'An Act establishing the office of Land District Recorder.'"

Referred to Special Committee of Messrs. Scott, Lynde, Heath.

Reported back, without recommendation.

Mr. Lynde introduced House Bill No. 103, entitled "An Act to establish the County of Washashee."

Referred to Committee on Counties and County Lines.

Mr. Bartlett introduced House Bill No. 104, entitled "An Act authorizing the transcribing of Deeds, &c., for Wabaunsee county."

Referred to Committee on Judiciary.

Also, House Bill No. 105, entitled "An Act establishing the boundaries of Wabaunsee and Davis counties."

Referred to Committee on Counties and County Lines.

Mr. Murphy introduced House Bill No. 106, entitled "An Act to create a Lien in favor of Mechanics and others."

Referred to Committee on Judiciary.

Mr. Wood introduced House Bill No. 109, entitled "An Act to amend the Code of Civil Procedeure," reported by Committee on Judiciary, as a substitute for House Bills No. 7, 15 and 82, and its passage recommended.

Read a first time.

Laid on the table and ordered to be printed.

Mr. Brown introduced House Bill No. 108, "An Act entitled 'An Act to amend an Act entitled 'An Act regulating the Jurisdiction and procedure before the Justice of the Peace, and the duties of Constables in Civil Cases.' "

Referred to Committee on Judiciary.

Mr. Parks introduced House Bill No. 109, entitled "An Act to authorize the County of Leavenworth to issue certain Bonds.

Referred to Committee on Judiciary.

Mr. Chandler introduced House No. 110, entitled "An Act to incorporate a Ferry at Manhattan."

Referred to Committee on Incorporations and Banking.

Also, House Bill No. 111, entitled "An Act to incorporate a Ferry at Ogden."

Referred to Committee on Corporations and Banking.

Mr. McMath introduced House Bill No. 112, entitled "An Act to authorize the City of Wyandott to sell and convey certain real estate."

Referred to Committee on Judiciary.

Also, House Bill No. 113, entitled "An Act supplemental to an Act entitled 'An Act to incorporate the Kansas Central Railroad Company,' " approved Feb. 12, 1858.

Referred to Committee on Incorporations.

Also, House Bill No. 114, entitled "An Act to incorporate a Ferry across the Missouri River, at Quindaro."

Referred to Committee on Incorporations and Banking.

Mr. Whitehead introduced House Bill No. 115, entitled "An Act to incorporate the Palermo Coal Mining Company."

Referred to Committee on Incorporations and Banking.

Mr. Vanderslice introduced House Bill No. 116, entitled "An Act to incorporate the Smithton Lodge of Ancient Free and Accepted Masons."

Referred to Committee on Corporations and Banking.

Mr. Whitehead introduce House Bill No. 117, entitled "An Act to amend an Act entitled 'An Act to incorporate the Marysville or Palmetto and Roseport Railroad Company.'"

Referred to Committee on Inorporations and Banking.

Mr. Wright introduced House Bill No. 118, entitled "An Act for the opening and repairing of Public Roads and Highways."

Referred to Committee on Roads and Highways.

Mr. Robertson introduced House Bill No. 119, entitled "An Act to locate a Territorial Road from Atchison to Iowa Point."

Referred to Committee on Roads and Highways.

Mr. Rankin introduced House Bill No. 120, entitled "An Act to establish a Toll Bridge across the Platte river."

Referred to Committee on Corporations and Banking.

Mr. McMath introduced House Bill No. 121, entitled "An Act to incorporate Wyandott Lodge, No. 3, of Ancient Free and Accepted Masons."

Referred to Committee on Incorporations and Banking.

Mr. Wright gave notice that, on to-morrow, he would introduce a Bill to incorporate the Big Stranger Bridge Company.

Mr. Wagstaff gave notice that, on some subsequent day, he would introduce a Bill to incorporate the Wyandott and Osawatomie Railroad Company.

Mr. Whitehead gave notice that, at an early day, he would introduce the following Bills: "An Act to incorporate the Palermo Coal Mining Company;" also, "An Act to incorporate the Mar[y]sville or Palmetto and Roseport Railroad."

Mr. Shively gave notice that, at an early day, he would introduce a Bill respecting Estrays.

Mr. Wood gave notice that he would introduce a Bill to establish the county of Washashee; also, a Bill to incorporate the Council Grove and Topeka Stage Company.

Mr. Pierce gave notice that he would, at an early day, introduce a Bill providing to legalize certain acts of Frederick M. Stumbo, acting Justice of the Peace of the Township of Blue Rapids, Marshall county; also, a Bill to grant a charter to Amos S. Sparks and others, for the purpose of erecting a Bridge across the Big Blue River, at or near the town of Palmetto.

On motion of Mr. Morton,

House adjourned.

GUSTAVUS A. COLTON,
Speaker of the House.

M. W. Delahay,
Chief Clerk.

Friday, January 27th, 1860,
9 o'clock, A. M.

House called to order by the Speaker.

Roll called.

Absent, Messrs. Canniff, Rankin, Vanderslice and Wagstaff.

Journal of yesterday was read and approved.

The report of the Special Committee on House Bill No. 48, was taken up.

Mr. Sims moved that the House disagree to the report of the Committee.

Carried.

Mr. Sims offered the following resolution:

Resolved, That House Bill No. 48 be referred to Committee on ———, with instructions to prepare a substitute, providing as follows: First, Abolish the office: Second, Deliver all record books to the County Registers where Land Recorders' Offices are respectively located, who shall transcribe all unsatisfied deeds, for each respective county, at expense of grantees, in four months: Third, That each County Register of said four counties, by transcribing said deeds, &c., as aforesaid, shall be held bound to obtain their fees from grantees whose deeds shall be transcribed, and shall, under no circumstances, be permitted to set up any claim whatever against the Territory or State of Kansas, for such services: Fourth Sec., Regulating fees for transcribing and giving lien on land in each deed for fees, &c.: Sec. 5th, No deed to be transcribed, save those last granted, where several transfers of same tract have been made, &c.

Mr. Scott offered the following resolution, as a substitute to the resolution of Mr. Sims:

Resolved, That House Bill No. 48, as amended by the House, be referred to Committee on ———, with instructions to amend so as to require grantees to pay for the transcripts.

Mr. Parks moved to lay the whole subject upon the table.

Lost.

Mr. Nelson offered the following, as a substitute to the resotion Mr. Sims offered:

1st. Abolish the office. 2d. Place records, books, &c., in the office of the Auditor of the Territory. 3d. Require all persons having land recorded in the District Land Office, to put such deeds on record in the respective Counties where the land lays, in —— months from the passage of this Act. 4th. No deed, not so recorded in the proper County in the time aforesaid, shall be set up in any suit against any innocent purchaser, without notice of such innocent purchaser, shall put his deed on record before the person so neglecting records his. 5th. Fees of County Registers, for recording said deeds, to be paid by the grantees of such deeds.

Upon which the yeas and nays being demanded, resulted as follows:

Yeas—19. Nays—17.

Those voting in the affirmative were

Messrs. Blake, Canniff, Cornwell, Cave, Fitzpatrick, Lombard, Lindsay, Murphy, McMath, Noel, Robertson, Shively, Sheldon, Scott, Vanderslice, Wright, Wagstaff, Wood and Mr. Speaker.

Those voting in the negative were

Messrs. Brooks, Chandler, Dutton, Heath, Jones, Knowles, Morton, Nelson, Parks, Pierce, Reynolds, Rankin, Steward, Sopris and Whitehead.

So the motion to adopt the substitute prevailed.

On motion of Mr. Sims, the blank in the resolution, relating to the Committee, was filled by inserting the Committee on Ways and Means.

Mr. Sims moved to fill the blank in the resolution in relation to the time allowed for transcribing the records, by inserting therein the words "eight months."

Mr. Wood moved to amend by inserting twelve months.

Mr. Parks moved to further amend by inserting two years.

Lost.

The question recurring upon the motion of Mr. Sims, to insert eight months, it was

Adopted.

On motion of Mr. Scott,

The House adjourned.

AFTERNOON SESSION.

Two o'clock.

Mr. Sims, from Committee on Enrolled Bills, reported the following:

Mr. Speaker:—House Bills Nos. 52, 53 and 54 have been examined, and found truly enrolled.

CHARLES SIMS, Chairman.

Mr. Lindsay presented petition of J. Nut and 89 other legal voters of Douglas County, praying for a change of the South boundary line of said county.

Referred to Committee on Counties, County Lines and County Seats.

Mr. Wagstaff presented remonstrances of citizens of Lykins county, against any change of boundary of said county. One from John M. Ellis and 42 others; Thomas B. Hedges and 90 others; J. S. McEwing and 42 others; Ezra B. Town and 36 others; James H. Surley and 45 others; P. C. Hotchkiss and 18 others; James Buts and 20 others; E. W. White and 81 others; G. V. Lyons and 28 others; Anthony Watson and 31 others; G. W. Mitchner and 20 others; R. W. Massey and 43 others; also, from H. M. Hughes and H. C. Chase, for the same; also, a remonstrance of Asa Hargrove and 139 others, against any change of the county lines of Linn county; also, one from D. M. Kendall and 32 others, for the same; also, one from J. Farris and 84 others, for the same; also, one from G. W. Lewis and 49 others, for the same; also, one from M. Howard and 45 others, for the same; also, one from William L. Henderson and 15 others, for the same. All of which were

Referred to Committee on Counties and County Lines.

Mr. Scott introduced the following:

To the House of Representatives:—

As your Chief Clerk, I am unwilling that the charge made by the Correspondent of the Leavenworth Daily *Herald*, of January 19th, 1860, should go to the world as true, when, in truth and in fact, the charge therein made of interpolating the Journal of this House, is wholly without foundation, so far as any consent or action on my part is involved in that charge.

I feel it due to myself and those friends who honored me with their support, for the position I occupy, to ask of this House that a Committee be appointed to investigate my conduct, in relation to the charge made by said Correspondent, for the proper and further action of this House. By which means, I trust I may, by the action of this House, be fully and truthfully vindicated from so dishonorable a calumny upon my official connection with this Honorable body. And in the appointment of said Committee, it would be gratifying to your petitioner, to have said Committee composed of each political party, equally.

Respectfully submitted,
M. W. DELAHAY,
Chief Clerk.

The petition was received, and the Speaker appointed as said Committee, Messrs. Scott, Wright, Lynde, Sopris and Sheldon.

Mr. Sheldon presented a petition of Thomas Black and others, of Osage county, asking for a new county.

Referred to Committee on Counties, County Lines and County Seats.

Mr. Wood presented a petition of B. F. Martin and 52 others, praying that twelve miles from the Northern side of Madison county be attached to Breckenridge county; also, a petition of H. Carter and 18 others, for the same; also, a petition of A. R. Walton and 47 other legal voters of Chase county, praying for a change of county lines.

Mr. Cornwell presented a remonstrance, signed by 500 citizens of Johnson county, against any change of county lines of said county, all of which were

Referred to Committee on Counties and County Lines.

Mr. Sims offered the following resolution:

Resolved, That the Sergeant-at-Arms be directed to obtain and furnish to the members of the House, not yet supplied, the same books heretofore furnished the other members of the House.

Adopted.

The Special Commitee to whom was referred, for distribution, the Special Message of His Excellency, Governor Medary, beg leave to report that they have performed the duty assigned them, and recommend as follows:

That all that portion of the message relating to county canvassers be referred to Committee on Judiciary; all that portion relating to the Congressional appropriation for the Legislative expenses of the Territory; also, that portion relating to the report of the Territorial Auditor; also, that portion of the message relating to the Treasurer's office, to the Committee of Ways and Means, all of which is respectfully submitted.

JOHN W. SCOTT, Ch'n.

The report was agreed to.

Message from the Council:

Mr. Speaker:—I am instructed, by the Council, to notify your Honorable Body that the Council has passed Council Bill No. 44, entitled "An Act defining and establishing certain boundary lines of the counties of Wyandott, Johnson and Lykins," and invite your concurrence.

JOHN J. INGALLS,
Secretary.

Council Bill No. 44, entitled "An Act defining and establishing certain boundary lines of the counties of Wayandott, Johnson and Lykins," was taken up.

Mr. Wagstaff moved to reject the Bill.

Mr. Nelson moved a call of the House.

The call was ordered, and

The Sergeant-at-Arms directed to bring in absentees.

On motion of Mr. Sims, further proceedings under the call of the House were dispensed with.

Mr. Lindsay offered the following resolution:

Resolved, That Governor Shannon be invited within the bar of this House.

Adopted.

The question being on the rejection of Council Bill No. 44,

The yeas and nays being demanded, resulted as follows:

Yeas—22. Nays—13.

Those voting in the affirmative were

Messrs. Chandler, Cornwell, Cave, Dutton, Elliott, Jones, Knowles, Lindsay, Parks, Pierce, Robertson, Rankin, Steward, Sims, Sopris, Vanderslice, Whitehead, Wright, Wagstaff, Wood and Mr. Speaker.

Those voting in the negative were

Messrs. Blake, Brooks, Canniff, Fitzpatrick, Heath, Lombard, Lynde, Murphy, McMath, Nelson, Reynolds, Shively and Scott.

So the Bill was rejected.

Mr. Wood gave notice that, on to-morrow, he would move a reconsideration of the vote upon the rejection of Council Bill No. 44.

Mr. Wood gove notice that he would, at an early day, introduce a Bill to incorporate the Council Grove and Topeka Railroad.

Mr. Nelson gave notice that, at an early day, he would introduce a general law incorporating Railroad Companies.

Mr. Elliott gave notice that, at an early day, he would introduce a Bill to incorporate and charter the St. Joseph, Topeka, Fremont and Emporia Railroad Company.

Mr. Steward gave notice that, at an early day, he would introduce a Bill regulating Inclosures.

Mr. Brown gave notice that, at an early day, he would introduce a Bill to incorporate the Philo-Dramatic Association of the City of Leavenworth.

Mr. Scott gave notice that, at an early day, he would introduce a Bill to organize the county of Magee.

Mr. Bartlett gave notice that, at an early day, he would introduce a Bill amending Chapter 91, entitled "An Act to restrain Dram Shops and Taverns, and regulate the sale of intoxicating liquors."

Mr. Cave gave notice that, at an early day, he would introduce a Bill to locate a Territorial road from Fort Riley to the Base line, in the direction towards Nebraska City, via Manhattan City, Centralia, Seneca and Central City.

Mr. Sopris gave notice that he would, at an early day, introduce a Bill to incorporate the Arrapahoe County Gas Light Company; also, a Bill to incorporate the Capital Hydraulic Company, of Arrapahoe County; also, a Bill to incorporate the Town of Saratoga; also, a Bill to incorporate the North Western Mining Company.

Mr. Cornwell gave notice that he would, at some subsequent day, introduce a Bill to authorize the Board of Supervisors of Johnson county to issue Bonds.

Mr. Nelson gave notice that he would, at an early day, introduce a Bill incorporating the Atchison and Leroy Railroad Company.

Mr. Knowles gave notice that he would, at an early day, introduce a Bill to license and tax peddlers.

Mr. Canniff gave notice that he would, at an early day, introduce a Bill to incorporate the City of Burlingame.

Mr. Robertson gave notice that, at an early day, he would introduce a Bill to incorporate the Missouri River Railroad Company; also, a Bill to Charter a Ferry across the Missouri River, at a point opposite Forrest City, Missouri.

Mr. Wright gave notice that he would, at an early day, introduce a Bill to extend the time for the Collection of Taxes in Leavenworth County.

Mr. Lombard introduced House Bill No. 124, entitled "An Act to locate a Territorial Road from Atchison to Fort Riley."

Referred to Committee on Roads and Highways.

Mr. Sopris introduced House Bill No. 125, entitled "An Act to incorporate the Denver City and Beaver Creek Wagon Road and Bridge Company.

Read a first time.

Mr. Rankin introduced House Bill No. 126, entitled "An Act providing for the Permanent location of the County Seat of Douglas County."

Mr. Dutton introduced House Bill No. 127, entitled "An Act changing the name of Isabella Vaughn to that of Isabella Bowers."

Mr. Wagstaff introduced House Bill No. 128, entitled "An Act to amend an Act entitled 'An Act to incorporate the Wyandott and Osawatomie Railroad Company.' "

Mr. Dutton, introduced House Bill No. 129, entitled "An Act establishing highways in the County of Brown."

Mr. Blake introduced House Bill No. 130, entitled "An Act to extend the time for the Collection of Taxes in Jefferson County;" also, House Bill No. 131, entitled "An Act to locate a Territorial Road from the City of Lecompton to the town of Kinnekuk."

Mr. Knowles introduced House Bill No. 132, entitled "An Act to regulate the taking up and posting of estrays."

Mr. Wright introduced House Bill No. 133, entitled "An Act to incorporate the Big Stranger River Bridge Company."

Mr. Wood introduced House Bill No. 134, entitled "An Act to amend an Act entitled 'An Act defining the Judicial Districts of the Territory, and fixing the times and places of holding Courts therein,' " approved February 11, A. D. 1859.

On motion of Mr. Heath,

The House adjourned.

G. A. COLTON,
Speaker of the House.

M. W. DELAHAY,
Chief Clerk.

SATURDAY, January 28th, 1860.
9 o'clock, A. M.

House called to order by the Speaker.

Roll called.

Absentees were Messrs. Brown, Lynde, Noel, Murphy, Parks, Sims, Shively, Sheldon and Wagstaff.

Journal of yesterday read and approved.

Mr. Wood offered the following resolution:

Resolved, That the Speaker of this House be instructed to invite the Clergymen of this city and vicinity to officiate alternately in opening the sessions of this House.

Mr. McMath moved to lay the resolution on the table.

Mr. Heath moved an indefinite postponement of the whole subject.

Upon which the yeas and nays were demanded, with the following result:

Yeas—14. Nays—19.

Those voting in the affirmative were

Messrs. Brooks, Cave, Dutton, Heath, Jones, Knowles, Lombard, McMath, Morton, Nelson, Reynolds, Sims, Vanderslice and Wright.

Those voting in the negative were

Messrs. Brown, Blake, Bartlett, Chandler, Cornwell, Canniff, Elliott, Fitzpatrick, Lindsay, Parks, Robertson, Rankin, Shively, Scott, Sopris, Whitehead, Wagstaff and Mr. Speaker.

So the motion to indefinitely postpone was lost.

The question recurring upon the motion of Mr. McMath, to lay the resolution upon the table, it was

Lost.

Mr. Brooks offered the following as a substitute:

Resolved, That the Rev. H. H. Moore be declared Chaplain of this House for the remainder of the present session.

Mr. McMath moved to strike out the name of H. H. Moore, and insert that of Father McKee.

Mr. Wood moved to lay the amendment upon the table.

Upon which the yeas and nays were demanded, with the following result:

Yeas—16. Nays—17.

Those voting in the affirmative were

Messrs. Brown, Blake, Bartlett, Canniff, Cornwell, Cave, Dutton, Knowles, Lombard, McMath, Nelson, Reynolds, Sopris, Vanderslice, Wright and Wood.

Those voting in the negative were

Messrs. Brooks, Chandler, Elliott, Fitzpatrick, Heath, Jones, Lindsay, Morton, Pierce, Robertson, Rankin, Steward, Sims, Shively, Whitehead, and Mr. Speaker.

So the motion to lay upon the table was lost.

The question recurring upon the motion of Mr. McMath, to strike out the name of H. H. Moore, and insert the name of Father McKee, it was

Lost.

Mr. Sims offered the following, as an amendment to the substitute of Mr. Brooks:

Provided, He trust to God for his pay.

Upon which the yeas and nays were demanded, with the following result:

Yeas—22. Nays—11.

Those voting in the affirmative were

Messrs. Blake, Brooks, Heath, Jones, Knowles, Lombard, Lindsay, Morton, Nelson, Robertson, Reynolds, Steward, Sims, Scott, Sopris, Vanderslice, Whitehead and Wright.

Those voting in the negative were

Messrs. Bartlett, Canniff, Cornwell, Elliott, Fitzpatrick, McMath, Pierce, Rankin, Wagstaff, Wood and Mr. Speaker.

So the amendment was adopted.

Message from the Council:

Mr. Speaker:—I am instructed to notify the House that the Council have concurred in House Resolution, in reference [to a] Committee to revise County and Township Laws.

Committee on part of the Council, Mr. Beebe.

JOHN J. INGALLS,
Secretary.

Mr. Wood moved to strike out the name of H. H. Moore, in the substitute, and insert the name of G. W. Hutchinson.

Lost.

The question being upon the adoption of the substitute offered by Mr. Brooks, as amended,

The yeas and nays were demanded,

Mr. Heath called for the previous question, which was sustained.

The vote being taken upon the adoption of the substitute, as amended, the result was as follows:

Yeas—13. Nays—21.

Those voting in the affirmative were

Messrs. Brown, Brooks, Heath, Jones, Lombard, Morton, Nelson, Pierce, Robertson, Steward, Sims, Whitehead and Mr. Speaker.

Those voting in the negative were

Messrs. Blake, Bartlett, Chandler, Canniff, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Knowles, Lindsay, McMath, Reynolds, Rankin, Shively, Scott, Sopris, Vanderslice, Wright, Wagstaff and Wood.

So the substitute was lost.

The question recurring upon the adoption of the resolution offered by Mr. Wood, Mr. Heath demanded the previous question.

The vote being taken, resulted as follows:

Yeas—23. Nays—12.

Those voting in the affirmative were

Messrs. Brown, Blake, Bartlett, Chandler, Canniff, Cornwell, Dutton, Elliott, Fitzpatrick, Lombard, Lindsay, McMath, Parks, Pierce, Sims, Shively, Scott, Sopris, Vanderslice, Whitehead, Wagstaff, Wood and Mr. Speaker.

Those voting in the negative were

Messrs. Brooks, Cave, Heath, Jones, Knowles, Morton, Nelson, Robertson, Reynolds, Rankin, Steward and Wright.

So the resolution was adopted.

Mr. Heath moved that the House adjourn until 9 o'clock on Monday morning.

Upon which the yeas and nays were demanded, with the following result:

Yeas—9. Nays—23.

Those voting in the affirmative were

Messrs. Brooks, Cornwell, Dutton, Heath, Jones, Parks, Rankin, Sims, Vanderslice.

Those voting in the negative were

Messrs. Brown, Blake, Bartlett, Chandler, Cave, Elliott, Fitzpatrick, Knowles, Lombard, McMath, Morton, Nelson, Pierce, Robertson, Reynolds, Steward, Shively, Scott, Sopris, Whitehead, Wood and Mr. Speaker.

So the motion to adjourn, was lost.

Mr. Canniff offered the following resolution, which was adopted:

Resolved, That J. L. Dugge, Esq., be invited to a seat within the Bar of this House.

Mr. Wood moved to reconsider the vote by which Council Bill No. 44, entitled "An Act defining the Boundary Lines of Wyandott, Johnson and Lykins," was rejected, on yesterday.

Ruled out of order, by the Speaker.

Mr. Wood appealed from the decision of the Speaker.

The yeas and nays being demanded,

The Speaker was sustained by the following vote:

Yeas—23. Nays—11.

Those voting in the affirmative were

Messrs. Brown, Blake, Brooks, Cornwell, Cave, Dutton, Fitzpatrick, Heath, Jones, Knowles, Lombard, Lindsay, Morton, Parks, Robertson, Rankin, Steward, Sims, Scott, Sopris, Vandersliee, Whitehead and Wright.

Those voting in the negative were

Messrs. Bartlett, Chandler, Canniff, Elliott, Lindsay, McMath, Nelson, Reynolds, Shively, Wood.

On motion of Mr. Sims, the House adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

Message from the Council:

MR. SPEAKER:—I am instructed by the Council to notify the House, that the Council has passed Council Bill No. 7, entitled "An Act to incorporate the Franklin County Agricultural Society;" also, Council Bill No. 34, entitled "An Act to incorporate the St. Johns Town Company," and solicit your concurrence.

JOHN J. INGALLS
Secretary.

On motion of Mr. Wright, Council Bill No. 58, entitled "An

Act explanatory of an Act entitled, 'An Act legalizing certain bonds therein named,'" was taken up.

Mr. Nelson moved a call of the House.

The call was ordered, and the Sergeant-at-arms directed to bring in absentees.

On motion of Mr. Sims, further proceedings under the call of the House were dispensed with.

On motion of Mr. Parks, the Judiciary Committee were instructed to produce a copy of Council Bill No. 58, the original one having been mislaid or lost.

Mr. Wood, from the Committee on Judiciary, reported the duplicate of the Bill (it being House Bill No. 93,) back to the House.

MR. SPEAKER:—The Judiciary Committee, to whom was referred House Bill No. 93, entitled "An Act explanatory of an Act legalizing certain Ferry Bonds," report the same back, according to order of the House.

S. N. WOOD, Chairman.

The Bill was taken up, and

Read a first time.

On motion of Mr. Parks, the Bill was

Referred to a Select Committee of three.

The Speaker appointed as said Committee Messrs. Parks, Dutton and Jones.

Mr. Rankin offered the following resolution:

Whereas, There seems to be a disposition, on the part of some of the members of this House, to delay the legitimate business necessary for the country, by raising frivolous points and questions of order; therefore,

Resolved, That, in the opinion of this House, such a course is highly reprehensible, and that the House do, after this, discontinue any further continuation of such folly.

Mr. Elliott offered the following amendment to the resolution:

Resolved, That we adhere to the rules of the House, subject to the Speaker, and now proceed to the business of the House without delay.

Mr. Parks moved to lay the whole subject upon the table.

Carried.

Mr. Knowles offered the following resolution:

Whereas, A misunderstanding has *arisen*, as to the construction and interpretation of the rules of this House, greatly to the hindrance and delay of the business of the same; therefore,

Resolved, That the rules adopted for the government of the Legislative Assembly of 1859, be adopted for the government of this House; and in all cases that may arise, wherein said rules are not applicable, Jefferson's Manual shall be the guide; and that all rules heretofore adopted for this House, are hereby rescinded.

The yeas and nays being demanded upon the passage of the resolution, the result was as follows:

Yeas—16. Nays—17.

Those voting in the affirmative were

Messrs. Blake, Bartlett, Brooks, Chandler, Canniff, Cave, Elliott, Fitzpatrick, Heath, Knowles, McMath, Nelson, Parks, Reynolds, Shively and Mr. Speaker.

Those voting in the negative were

Messrs. Cornwell, Dutton, Jones, Lombard, Lindsay, Morton, Pierce, Robertson, Rankin, Steward, Sims, Sheldon, Scott, Sopris, Vanderslice, Whitehead and Wright.

So the motion to adopt the resolution was lost.

Mr. Brown offered the following resolution, which was adopted:

Resolved, That the Hon. Thomas Ewing, Jr. and Dr. James Davis, be admitted to a seat within the bar of this House.

Mr. Parks, from select Committee on House Bill, No. 98, submitted the following report:

The select Committee to whom was referred House No. 98, entitled "An Act explanatory of an Act legalizing certain Bonds therein named," approved Jan. 18, 1860, having had the same under consideration, beg leave to report it back to the House and recommend its passage, without amendment.

P. S. PARKS,
JAMES H. JONES, } Committee.
H. R. DUTTON,

The report was agreed to by the House.

On motion of Mr. Parks, the rules were suspended, and

The Bill read a second and third time, and

Put upon its final passage.

The vote being taken, resulted in

Yeas—29. Nays—2.

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Chandler, Canniff, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lombard, Lindsay, Morton, Nelson, Parks, Pierce, Robertson, Reynolds, Rankin, Stewart, Sims, Sheldon, Shively, Sopris, Whitehead, Wright, Wood and Mr. Speaker.

Those voting in the negative were

Messrs. McMath and Scott.

And so the Bill passed.

The title was agreed to.

Mr. Parks offered the following resolution, which was adopted:

Resolved, That the Clerk in presenting this Bill to the Council, inform that Honorable Body that a Bill, of which this is believed to be an exact copy, received from that Body, has been misplaced or purloined from the Clerk of this House.

The Speaker appointed as a select Committee, in accordance with a resolution offered by Mr. Bartlett, to memoralize Congress in relation to mail routes, Messrs. Bartlett and Elliott.

On motion of Mr. Wood, Council Bill No. 4, entitled "An Act establishing Prison Bounds," was taken up,

Read a first time.

Rules suspended.

Read a second time.

Referred to Committee on Judiciary.

Mr. Sims, from Committee on Enrolled Bills, reported the following:

MR. SPEAKER:—House Bill No. 42, entitled "An Act legalizing the assessment of taxes in Chase county," is truly enrolled.
CHARLES SIMS, Chairman.

Council Bill No. 22, entitled "An Act to incorporate the Neosho Falls Water Power and Manufacturing Company," was taken up and

Read a first time.

Rules suspended and

Bill read a second time, and

Referred to Committee on Incorporations and Banking.

On motion of Mr. Bartlett, House Bill No. 48, entitled "An Act incorporating the Louisville Town Company," was taken up.

Bill read a third time, and,

Upon its final passage, the vote resulted:

Yeas—27. Nays—none.

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Chandler, Canniff, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lombard, Morton, Nelson, Pierce, Robertson, Reynolds, Steward, Sims, Shively, Sheldon, Sopris, Vanderslice, Whitehead, Wagstaff, Wood and Mr. Speaker.

So the Bill passed.

The title was agreed to.

House Bill No. 28, entitled "An Act to provide for the permanent location of the county seat of Washington county," was taken up, and,

Upon its final passage the vote resulted:

Yeas—28. Nays—none.

Those voting in the affirmative were

Messrs. Blake, Bartlett, Brooks, Chandler, Canniff, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lombard, Lindsay, Morton, Nelson, Pierce, Robertson, Reynolds, Steward, Sims, Shively, Sopris, Vanderslice, Whitehead, Wagstaff, Wood and Mr. Speaker.

So the Bill passed.

The title was agreed to.

Mr. Nelson offered the following preamble and resolution:

WHEREAS, During the present session, a resolution was adopted declaring that the rules of the last House should govern this; and, whereas, said rules are complex and not such as to hasten the dispatch of business; therefore,

Be it Resolved, That the special rules of the last House be adopted for the government of the present session.

The resolution was ruled out of order by the Speaker.

The decision of the speaker was sustained by the House.

Mr. Wood offered the following resolution:

Resolved, That the special rules of the last House of the Territorial Legislature of Kansas be adopted as the special rules of this House and shall be regarded as explanatory of the rules laid down in Jefferson's Manual.

Ruled out of order by the Speaker.

Mr. Wood appealed from the decision of the Chair,

Upon which the yeas and nays were demanded with the following result:

Yeas—27. Nays—4.

Those voting in the affirmative were

Messrs. Brown, Brooks, Chandler, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lindsay, Morton, Parks, Pierce, Robertson, Reynolds, Rankin, Steward, Sims, Shively, Scott, Sopris, Vanderslice, Whitehead, Wright and Wagstaff.

Those voting in the negative were

Messrs. Canniff, McMath, Nelson and Wood.

The decision of the Speaker was sustained by the House.

Mr. Shively, from Committee on Claims, submitted the following report:

The Committee to whom was referred House Bill No. 71, entitled "An Act for the relief of John Kendall," have had the same under consideration, and beg leave to make the following report:

That they have examined the law under which the services were performed, and find that it is therein made the duty of the Legislature to make an appropriation to pay the expenses of serving requisition. That, as requisition in this case was duly issued and served by John Kendall, as Marshal of Leavenworth City, and that the account for services and expenses of such officer has been duly audited and allowed by the Territorial Auditor; that said officer, having been compelled to lay out of the use of his pay and expenses for a long time, the Committee therefore report the Bill back, and recommend its passage, with the following amendment:

Insert the words "and also, seventy-five dollars interest thereon."

House Bill No. 28, entitled "An Act to authorize William D. Harris and Alexander Street to build a bridge across 110 mile creek, at the town of Washington," was taken up and

Referred to a Special Committee of two, consisting of Messrs. Wood and Canniff.

Council Bill No. 45, entitled "An Act to permanently locate the seat of justice of Breckenridge county," was taken up and

Read a first time.

Rules suspended and

Bill read a second time, and

Referred to Committee on Counties and County Seats.

Mr. Morton gave notice that, at an early day, he would introduce the following Bills: A Bill to incorporate the Chelsea Town Company; also, a Bill to organize the county of Greenwood; also, a Bill to permanently locate the county seat of Butler county.

Mr. Canniff gave notice that he would, at an early day, introduce a Bill authorizing Shawnee county orders to draw interest after becoming due.

Mr. Whitehead gave notice that he would introduce a Bill declaring the Pottawattamie road, in Doniphan county, a Territorial road.

Mr. Nelson gave notice that he would, at an early day, introduce the following bills: A Bill incorporating the Western Railroad Company and authorizing them to build a railroad from Hampden via Chelsea to the southern boundary of the Territory; also, a Bill incorporating a company and authorizing them to build a railroad from Minneola via Sac and Fox Agency, Hampden and Le Roy, to the northern boundary of the Osage Lands; also, a Bill locating a Territorial road from Hampden to the western boundary of Missouri via Hyatt and Moneka; also, a Bill locating a Territorial road from Osawatomie to Le Roy.

Mr. Sopris introduced House Bill No. 135, entitled "An Act to incorporate the Arrapahoe County Improvement Association;" also, House Bill No. 136, entitled "An Act to incorporate the Northwestern Mining Company;" also, House Bill 137, entitled "An Act to incorporate the Saratoga Town Company;" also, House Bill No. 138, entitled "An Act to incorporate the South Platte Improvement and Lumbering Company;" also, House Bill No. 139, entitled "An Act to incorporate the Arrapahoe County Gas Light Company;" also, House Bill No. 140, entitled "An Act to incorporate the Capital Hydraulic Company of Arrapahoe County."

Mr. Elliott introduced House Bill No. 141, entitled "An Act to change the name of Breckenridge County."

Mr. Bartlett introduced House Bill No. 142, entitled "An Act to amend an Act entitled 'An Act to restrain dram shops and taverns, and regulate the sale of intoxicating liquors.'"

Mr. Cave introduced House Bill No. 143, entitled "An Act to locate a Territorial road from Fort Riley to the base line in the direction of Nebraska City."

Mr. Heath introduced House Bill No. 144, entitled "An Act to amend an Act to incorporate the City of Lecompton."

Mr. Chandler introduced House Bill No. 145, entitled "An Act to organize Clay county."

Mr. Scott introduced House Bill No. 146, entitled "An Act to provide for the organization of the county of Magee, and change the name of that to Cherokee."

Mr. Canniff introduced House Bill No. 147, entitled "An Act to incorporate the City of Burlingame."

Mr. Brooks introduced House Bill No. 148, entitled "An Act authorizing the collection of toll on the bridge crossing the Wakarusa, on the Territorial road from Lawrence to Emporia."

Mr. Whitehead introduced House Bill No. 149, entitled "An Act declaring the Pottawatamie road a Territorial road."

Mr. Robertson introduced House Bill No. 150, entitled "An Act chartering a Ferry across the Missouri River, at a point opposite Forest City, Missouri."

Mr. Cornwell introduced House Bill No. 151, entitled "An Act authorizing the tribunal transacting county business for the county of Johnson to issue bonds."

Mr. Vanderslice introduced House Bill No. 152, entitled "An Act to locate a Territorial road from Iowa Point to a point on the Kansas and Nebraska line, opposite the town of Cincinnati, N. T."

On motion of Mr. Morton,
House adjourned.

GUSTAVUS A. COLTON,
Speaker of the House of Representatives.

M. W. DELAHAY, Chief Clerk.

MONDAY, January 30th, 1860,
9 o'clock, A. M.

House called to order by the Speaker.

Prayer by the Rev. Mr. Bishop.

Roll called.

Absent, Messrs. Brown, Canniff, Heath, Jones, Lynde, Lindsay, Noel, Rankin, Sims, Sheldon, Wright and Wagstaff.

Journal of Saturday read and approved.

Mr. Colton offered the following resolution:

Resolved, That the Hon. Charles A. Foster and Judge Cyrus Tator be invited to seats within the bar of this House, and that the Sergeant-at-Arms be instructed to furnish them seats.

Mr. Wood presented an account of T. C. Hill against the Territory of Kansas for printing.

Referred to Committee on Accounts.

Mr. Whitehead presented a petition for a charter for a mill seat.

Referred to Committee on Corporations.

Also, a petition of Charles B. Hamilton and others, praying for a mill dam.

Referred to Committee on Incorporations.

Mr. Shively presented a petition of John Russel and thirty-four others, praying for the location of the county seat of Franklin county.

Referred to Committee on Counties, County Lines and County Seats.

Mr. McMath offered the following resolution, which was adopted:

WHEREAS, Many reports and documents transmitted to this House have not been spread upon the Journals of the House, having given no order to the chief clerk; therefore, *Resolved*, That, in order to preserve a record of all such reports and documents, the Committee on Printing be and the same is hereby instructed to have such as they deem proper printed in appropriate places in the Journals of this House.

Mr. Lynde, from the Committee on County Lines, submitted the following report:

The committee to whom was referred House Bill No. 20, entitled "An Act to change the boundary of Butler county," ask leave to report that they have had the same under consideration, and recommend its passage.

Also, Council Bill No. 17, entitled "An Act to locate the county seat of Franklin county," ask leave to report the same back, with the accompanying papers, and recommend the passage of the Bill with one amendment:

In section first, in third line, insert "temporarily" before the word "locate."

E. LYNDE, Chairman.

Mr. Wood, from Select Committee on House Bill No. 26, entitled "An Act to authorize William D. Harris and Alexander Street to build a bridge across 110 mile creek," submitted the following report:

We, the Select Committee to whom was referred House Bill No. 26, have had the same under consideration and report the same back, and recommend its passage, with the following amendment:

Amend section third by adding the following: The above rates of toll may be changed and regulated by the tribunal transacting county business in the county in which said bridge may be situated.

Add a new section, as follows: Sec. 5th. The said William D. Harris and Alexander Street shall not build said bridge so as to interfere with the present ford on said 110 mile creek, and the said Harris and Street shall keep said ford open and free to travel, and in case of a violation of this Act, shall forfeit this charter.

S. N. WOOD,
S. R. CANNIFF,
Committee.

Mr. Elliott offered the following resolution, which was adopted:

Resolved, That T. C. Hill, Esq., and Dr. E. P. Brancroft be admitted to seats within the bar of this House.

Mr. Fitzpatrick presented the petition of Enoch Chase and 145 others, citizens of Topeka township, in relation to a change in the lines of Shawnee county.

Referred to Committee on Counties and County Lines.

Mr. Canniff offered the following resolution, which was adopted:

Resolved, That the Hon. P. C. Schuyler be admitted to a seat within the bar of the House.

Mr. Bartlett offered the following resolution, which was adopted.

Resolved, By the House, that the Committee on Printing, on the part of the House, be instructed to co-operate with the corresponding committee on the part of the Council, and provide for the members and officers of this body five hundred copies of the list of members and officers of both branches, setting forth age, vocation, politics, post-office address, county of residence, native State, from what State to Kansas, and whether married or single, of each member and officer in both branches.

Mr. Nelson offered the following resolution, which was adopted:

Resolved, That Judge J. D. Carney be admitted to a seat within the bar of the House.

On motion of Mr. Bartlett, House Bill 49, entitled "An Act to repeal all that portion of an Act entitled 'An Act regulating elections,'" was taken up.

On motion of Mr. Wood, the consideration of the Bill was deferred for the present.

Mr. Wood, chairman of the Committee on Judiciary, reported as follows:

The Judiciary Committee, to whom was referred Council Bill No. 4, entitled "An Act establishing prison bounds," have had the same under consideration, and instruct me to report it back and recommend its passage, with the following amendment:

Strike out of section first the following words: "Of the Territory of Kansas," and insert, "the balance of the county in which said jail may be situated."

S. N. WOOD, Chairman.

The report of the Committee was disagreed to by the House.

Council Bill No. 4 was then read, for information.

Mr. Fitzpatrick moved the adoption of the amendment as submitted by the Committee on Judiciary.

Mr. Parks moved to lay the amendment upon the table.

Upon which the yeas and nays were demanded, as follows:

Yeas—15. Nays—19.

Those voting in the affirmative were

Messrs. Brooks, Cornwell, Dutton, Elliott, Lombard, Lynde, Lindsay, Morton, Nelson, Parks, Rankin, Steward, Scott, Sopris and Wagstaff.

Those voting in the negative were

Messrs. Blake, Bartlett, Chandler, Canniff, Cave, Fitzpatrick, Jones, Knowles, Murphy, McMath, Robertson, Reynolds, Sims, Shively, Sheldon, Vanderslice, Whitehead and Wagstaff.

On motion of Mr. Wood,

The House adjourned.

AFTERNOON SESSION.

Two o'clock.

House called to order by the Clerk, the Speaker being absent.

On motion of Mr. Fitzpatrick, Mr. Lynde was elected Speaker *pro tem*.

Mr. Nelson moved a call of the House.

The call was ordered, and the Sergeant-at-Arms directed to bring in absentees.

On motion of Mr. Jones, further proceedings under the call were dispensed with.

Message from the Council:

MR. SPEAKER:—I am instructed to inform the House that the Council has this day passed House Bill No. 98, entitled "An Act explanatory to an Act entitled 'An Act legalizing certain bonds therein named,'" without amendment.

JOHN J. INGALLS,
Secretary.

The consideration of Council Bill No. 4, "An Act establishing prison bounds," was resumed.

Mr. Murphy offered the following resolution, which was adopted:

Resolved, That Champion Vaughn, Esq., be admitted to a seat within the bar of the House.

The question being upon the adoption of the amendment, as submitted by the Judiciary Committee,

The yeas and nays were demanded with the following result:

Yeas—13. Nays—19.

Those voting in the affirmative were

Messrs. Bartlett, Cornwell, Cave, Fitzpatrick, Pierce, Robertson, Reynolds, Steward, Sims, Sheldon, Vanderslice, Whitehead and Wagstaff.

Those voting in the negative were

Messrs. Brooks, Dutton, Canniff, Elliott, Heath, Jones, Knowles, Lombard, Lindsay, Murphy, Morton, Nelson, Parks, Rankin, Shively, Scott, Sopris, Wood and Lynde.

So the amendment was lost.

On motion of Mr. Wood, the Bill was

Read a third time.

On motion of Mr. Sims, Section 3 was amended, by adding the words, "shall give bonds, payable to the plaintiff in the execution."

The vote being taken upon the final passage of the Bill, the result was as follows:

Yeas—21. Nays—18.

Those voting in the affirmative were

Messrs. Brooks, Canniff, Dutton, Elliott, Heath, Jones, Knowles, Lombard, Lindsay; Murphy, Morton, Nelson, Parks, Robertson, Rankin, Steward; Shively, Scott, Sopris, Wood and Lynde.

Those voting in the negative were

Messrs. Blake, Bartlett, Chandler, Cornwell, Cave, Fitzpatrick, Pierce, Reynolds, Sims, Sheldon, Vanderslice, Whitehead and Wagstaff.

So the Bill passed.

The title was agreed to.

Mr. Nelson presented a copy of a resolution adopted by the County Board of Coffey county, relative to a change of county lines of said county.

Referred to Committee on County Lines.

Mr. Fitzpatrick presented a petition of 58 citizens of Jackson county, asking to be annexed to Shawnee county.

Referred to Committee on County Lines.

Mr. Wood, from Committee on Judiciary, submitted the following report:

Mr. Speaker:—A majority of the Judiciary Committee, to whom was referred Council Bill No. 35, entitled "An Act divorcing Letta M. McLachlin and Henry McLachlin;" also, Council Bill No. 36, entitled "An Act for the relief of Jane Colton;" also, Council Bill No. 36, entitled "An Act divorcing W. A. Morton and Sarah Jane Morton," having had the same under consideration, have instructed me to report the same back and recommend their passage.

S. N. WOOD, Chairman.

Mr. Brooks introduced House Bill No. 160, "An Act divorcing Amon G. DaLee and Clarinda DaLee."

Read a first time.

Rules suspended.

Read a second time.

Rules suspended.

Read a third time, and

Upon its final passage, the vote resulted:

Yeas—27. Nays—5.

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Canniff, Cornwell, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lombard, Pierce, Morton, Nelson, Parks, Robertson, Reynolds, Steward, Lynde, Sims, Shively, Scott, Sopris, Vanderslice, Whitehead, Wagstaff and Wood.

Those voting in the negative were

Messrs. Blake, Chandler, Rankin, Dutton and Sheldon.

So the Bill passed.

The title was agreed to.

Mr. Cornwell introduced House Bill No. 162, "An Act divorcing James Jones and Elizabeth Jones."

Read a first time.

Rules suspended.

Read a second time.

Rules suspended.

Read a third time, and

Upon its final passage, the vote resulted as follows:

Yeas—24. Nays—7.

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Canniff, Cornwell, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lombard, Lynde, Murphy, Morton, Nelson, Parks, Robertson, Steward, Sims, Shively, Sopris, Vanderslice, Whitehead, Wagstaff and Wood.

Those voting in the negative were

Messrs. Chandler, Cave, Pierce, Reynolds, Rankin, Sheldon and Scott.

So the Bill passed.

The title was agreed to.

House Bill No. 123 was taken up, "An Act divorcing Lucinda F. Gee and James E. Gee."

Read first time.

Rules suspended.

Read a second time.

Rules suspended.

Read a third time, and

Upon its final passage, the vote resulted:

Yeas—25. Nays—7.

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Canniff, Cornwell, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lombard, Lynde, Murphy, Morton, Nelson, Parks, Robertson, Steward, Sims, Shively, Sopris, Vanderslice, Whitehead, Wagstaff and Wood.

Those voting in the negative were

Messrs. Chandler, Cave, Pierce, Reynolds, Rankin, Sheldon and Scott.

So the Bill passed.

The title was agreed to.

Mr. Wood moved to take up the report of the Judiciary Committee.

Lost.

On motion of Mr. Bartlett, House Bill No. 28, "An Act concerning Divorce and Alimony," was taken up.

On motion of Mr. Wood, the Bill was laid upon the table.

Mr. McMath offered the following resolution:

Resolved, That Hon. Daniel McCook of Leavenworth be invited to a seat within the bar of this House.

Adopted.

Mr. Murphy moved to take up House Bill No. 71.

Mr. Wood moved to amend by taking up the calendar in its order.

On motion of Mr. Nelson, Council Bill No. 58 was erased from the calendar.

Council Bill No. 7, "An Act to incorporate the Franklin County Agricultural Society," was taken up.

Read a second time and

Referred to Committee on Agriculture.

Council Bill No. 34, "An Act to incorporate the St. John Town Company," was taken up and

Referred to Committee on Banks and Incorporations.

House Bill No. 48, "An Act to repeal all that portion of an act regulating elections, relating to a registry law," was taken up.

Mr. Wood moved that the Bill be rejected.

Mr. Rankin moved a call of the House.

The call was ordered.

Mr. Bartlett moved that further proceedings under the call be dispensed with.

Carried.

The question being upon the motion of Mr. Wood to reject House Bill No. 49, The yeas and nays were demanded with the following result:

Yeas—19. Nays—16.

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Chandler, Elliott, Fitzpatrick, Jones, Knowles, Lynde, Lindsay, Morton, Nelson, Pierce, Robertson, Rankin, Steward, Shively, Sheldon, Scott and Wood.

Those voting in the negative were

Messrs. Brown, Blake, Cornwell, Cave, Dutton, Lombard, Murphy, McMath, Parks, Reynolds, Sims, Sopris, Vanderslice, Whitehead, Wright and Wagstaff.

So the Bill was rejected.

House Bill No. 94, entitled "An Act to facilitate the pursuit of practical Anatomy," was taken up.

Read a second time.

Mr. Parks moved that the Bill be rejected.

Upon which, the vote resulted in

Yeas—12. Nays—24.

Those voting in the affirmative were

Messrs. Brown, Blake, Cave, Murphy, Parks, Robertson, Reynolds, Sims, Vanderslice, Whitehead, Wright and Wagstaff.

Those voting in the negative were

Messrs. Bartlett, Brooks, Chandler, Canniff, Cornwell, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lombard, Lynde, Lindsay, Pierce, Rankin, Steward, Shively, Sheldon, Scott, Sopris and Wood.

Lost.

Mr. Sims offered the following amendment to the Bill, which was adopted:

Amend by striking out all of the fourth line, in section 1, of printed Bill, to before the word "and."

Mr. Bartlett offered the following amendment, which was adopted:

In 1st section, strike out the words "or physician" in fifth line, and insert "or" before the word "society."

Mr. McMath moved the indefinite postponement of the Bill.

Lost.

Mr. Sims offered the following amendment to the Bill, which was adopted:

Amend by striking out the words in 1st line, 4th section, "physicians or others," and substitute these words: "person or persons."

On motion of Mr. Scott, the rules were suspended and

Bill read a third time and

Put upon its final passage, and

Upon the vote being taken, resulted in

Yeas—22. Nays—14.

Those voting in the affirmative were

Messrs. Brown, Bartlett, Brooks, Canniff, Cornwell, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lombard, Lindsay, Pierce, Morton, Nelson, Rankin, Shively, Scott, Sims, Sopris, Whitehead and Wagstaff.

Those voting in the negative were

Messrs. Blake, Chandler, Cave, Lynde, Murphy, McMath, Parks, Robertson, Reynolds, Steward, Sims, Vanderslice, Wright and Wood.

And so the Bill passed.

The title was agreed to.

Mr. McMath offered the following resolution, which was adopted:

Resolved, That Gov. W. Y. Roberts be invited to a seat within the bar of this House, and that the Sergeant-at-Arms be requested to procure a seat for said gentleman.

Mr. Nelson offered the following resolution:

Resolved, That J. C. Green be admitted to a seat within the bar of this House, as reporter for the Leavenworth *Times*.

Mr. Fitzpatrick offered the following resolution:

Resolved, That the Hon. Fred. P. Stanton be admitted to a seat within the bar of this House.

House Bill No. 5, entitled "An Act to incorporate the Iola Town Company," was taken up and laid over, under the rules.

House Bill No. 6, entitled "An Act to prohibit Slavery and Involuntary servitude in Kansas," was taken up.

Mr. Parks moved to lay the Bill upon the table to be printed.

Mr. Rankin moved to lay the motion of Mr. Parks upon the table.

Lost.

Mr. Parks withdrew the motion to lay the Bill upon the table and be printed, and

The Bill was read a second time, and

Made the special order of two o'clock to-morrow.

Mr. Jones introduced House Bill No. 153, entitled "An Act to divorce Sarah Ann Johnson and D. B. Johnson."

Mr. McMath introduced House Bill No. 154, entitled "An Act to provide for the partition of Real Estate."

Mr. Robertson introduced House Bill No. 155, entitled "An Act to incorporate the Missouri River Railroad Company."

Mr. Knowles introduced House Bill No. 156, entitled "An Act to license and tax Peddlars."

Mr. Lynde introduced House Bill No. 157, entitled "An Act to incorporate the village of Oskaloosa."

Mr. Pierce introduced House Bill No. 158, entitled "An Act legalizing the acts of F. M. Stumbo, Justice of the Peace in Blue Rapids Township;" also, House Bill No. 159, entitled "An Act to charter the Palmetto Bridge Company."

Mr. Steward introduced House Bill No. 160, entitled "An Act regulating Inclosures."

Mr. Brooks introduced House Bill No. 161, entitled "An Act divorcing Amon G. Da Lee from Clarinda Da Lee."

Mr. Cornwell introduced House Bill No. 162, entitled "An Act divorcing Elizabeth Jones from James Jones."

Mr. Fitzpatrick introduced House Bill No. 163, entitled "An Act to incorporate the New Bridgeton Town Company."

Mr. Nelson introduced House Bill No. 164, entitled "An Act to locate a Territorial Road from Hampden to the Missouri State line."

Mr. Robertson introduced House Bill No. 165, entitled "An Act amendatory of an Act regulating the jurisdiction and procedure before Justices of the Peace."

Mr. McMath introduced House Bill No. 166, entitled "An Act defining the jurisdiction of the Probate Court, and fixing the time for holding the same, and for other purposes."

Mr. Knowles gave notice that he would, at an early day, introduce a Bill to amend an Act entitled "An Act to define the duties of Justices of the Peace, in case of breaches of the peace."

Mr. Murphy gave notice that he would, at an early day, introduce a Bill entitled "An Act to establish a Poor House in Leavenworth county, and provide for the maintenance of the same."

Mr. McMath gave notice that, at an early day, he would introduce a Bill entitled "An Act to amend an Act respecting Executors and Administrators, of their appointment and removal from office."

On motion the House adjourned.

GUSTAVUS A. COLTON,
Speaker of the House of Representatives.

M. W. DELAHAY,
Chief Clerk.

TUESDAY, January 31, 1860,
9 o'clock, A. M.

House called to order by the Speaker *pro tem.*

Prayer by the Rev. Mr. Cordley.

Roll called.

A quorum not being present, the Sergeant-at-Arms was ordered to bring in the absentees, which being done,

On motion of Mr. Nelson, further proceedings under the call were dispensed with.

The Journal of yesterday was read and approved.

Mr. Nelson presented a petition from citizens of Woodson county, praying for a change of county lines.

Referred to Committee on Counties and County Lines.

Mr. Wood presented a petition from citizens of Madison county, in reference to the northern boundary of Madison county; also, affidavit of Clark Haskins and others, in reference to said boundary.

Referred to Commmittee on Counties and County Lines.

Mr. Wood presented an affidavit of Lewis W. Kuhn of Madison county, in reference to the northern boundary of Madison county; also, an affidavit of A. D. Griver, in reference to the same, which were

Referred to the Committee on Counties and County Lines.

Mr. Wood offered the following resolution, which was adopted:

Resolved, That a Committee of three be appointed, with power to send for persons and papers, to inquire and report to this House by what authority warrants have been issued on the Treasury of this Territory, in payment of the awards of the Claim Commissioners appointed by ~~the last~~ Territorial Legislature, and that they report to this House what further legislation, if any, is needed on the subject.

Mr. Rankin presented a petition of Daniel Aiken and 73 others, in reference to a bridge across the Wakarusa.

Referred to Committee on Incorporations.

The report of the Special Committee on House Bill No. 43, was received, and the substitute reported by the Committee ordered to be printed.

Report of Special Committee on House Bill No. 43:

Mr. Speaker:—The Committee to whom was referred House Bill No. 43, have had the same under consideration, and report back the following Bill, agreeable to the instructions under which they acted.

ERASTUS HEATH, Chairman.

Mr. Parks introduced House Bill No. 16, entitled "An Act for the more uniform mode of transacting township business," which was

Laid on the table and ordered to be printed.

Mr. Parks introduced House Bill No. 168, entitled "An Act amendatory to an Act to restrain the sale of intoxicating liquors."

Referred to Committee on Judiciary.

Mr. McMath offered the following resolution:

Resolved, That the Committee on County and Township organizations be empowered to employ a clerk.

On motion of Mr. Fitzpatrick, the resolution was laid on the table.

Mr. Sims, Chairman of Committee on Enrolled Bills, reported as follows:

Mr. SPEAKER :—The Committee on Enrolled Bills having examined House Bill 93, entitled "An Act explanatory of an act legalizing certain Bonds therein named," approved January 18th, 1860, find the same correctly Enrolled.

Mr. Wright intrduced House Bill No. 170, entitled "An Act to extend the time for the collection of Taxes in Leavenworth County."

Read a first time.

Rules suspended.

Read a second time and

Referred to Committee on Judiciary.

Mr. Nelson, from Committee on Counties and County Lines, submitted the following report:

The Committee to whom was referred House Bill No. 81, entitled "An Act to provide for the location of the county seat of Linn county," have had the same under consideration, and report the same back and recommend its passage, with the following amendment: Strike out Section 8, and insert the following: The qualifications of voters under this Act shall be the same as the qualifications of a voter at a general election.

Your Committee have also had under consideration Council Bill No. 47, entitled "An Act to organize the county of Saline and define the boundaries thereof," and would report the same back and recommend its passage, without amendment.

And your Committee, to whom was referred the petition of J. C. Freeman and others, would report the same back and recommend that it be referred to the Committee on Judiciary.

G. W. NELSON.

Mr. Wood introduced House Bill No. 27, entitled "An Act to protect persons making improvements."

On motion of Mr. Sims, the word "claimant" was stricken out where it appeared in the Bill.

On motion of Mr. Nelson, the words "either express or implied" were stricken out.

Rules suspended.

Read a third time, and

Upon its final passage the vote resulted:

Yeas—25. Nays—8.

Those voting in the affirmative were

Messrs. Brown, Bartlett, Brooks, Chandler, Canniff, Cornwell, Cave, Elliott, Heath, Jones, Knowles, Lombard, Lynde, Lindsay, Morton, Nelson, Pierce, Robertson, Rankin, Steward, Sims, Sheldon, Scott, Sopris and Wood.

Those voting in the negative were

Messrs. Blake, McMath, Parks, Reynolds, Shively, Whitehead, Wright and Wagstaff.

So the Bill passed.

The title was agreed to.

Message from the Council:

Mr. Speaker:—I am directed to notify the House, that the Council have concurred in amendments of the House to Council Bill No. 4, entitled "An Act establishing prison bounds;" also, the Council have passed Council Bill No 70 entitled "An Act prohibiting the recording of Deeds and other instruments in the Land District Recorder's office of Kansas Territory," and invite your concurrence.

JOHN J INGALLS
Secretary.

On motion of Mr Wood, Council Bill No. 70 was taken up.

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Judiciary, with instructions.

Mr. Blake moved to take up House Bill No. 130.

Mr. Wood moved to amend, by taking up the Calendar in its order.

The amendment prevailed.

On motion of Mr. Parks, the Bill was deferred for the present.

Mr. Wood, Chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:—The Judiciary Committee, to whom was referred Council Bill No. 70, entitled "An Act to probibit recording of Deeds and other instruments, in the Land District Recorder's office, in Kansas Territory," have had the same under consideration, and instruct me to report it back and recommend its passage, with the following amendment.:.

Stirke out section 2.

The report was agreed to.

On motion of Mr. Sims, the amendment, as reported, was adopted, and the Bill put upon its final passage.

The vote resulted:

Yeas—33. Nays—none.

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Chandler, Canniff, Cornwell, Cave, Dutton, Elliott, Heath, Jones, Knowles, Lombard, Lynde, Lindsay, Murphy, McMath, Morton, Nelson, Parks, Pierce, Robertson, Reynolds, Rankin, Steward, Sims, Shively, Scott, Sopris, Vanderslice, Whitehead, Wright, Wagstaff and Wood.

So the Bill passed.

The title was agreed to.

House Bill No. 5, entitled "An Act to incorporate the Iola Town Company," was taken up.

The amendment, as reported by the Committee on Incorporations and Banking, was agreed to.

House Bill No. 13 was taken up, entitled "An Act to charter a ferry across the Marais Des Cygnes river, at the Morse ford, near Stanton."

Rules suspended.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 16, entitled "An Act supplemental to an Act to incorporate the city of Wyandott,"

Read a second time, and

Referred to a Select Committee of one.

The Speaker appointed Mr. McMath as said committee.

House Bill 27, entitled "An Act legalizing certain conveyances in the city of Lawrence," was taken up, and,

On motion of Mr. Wood,

The Bill was rejected.

House Bill No. 28, entitled "An Act supplemental to an Act entitled 'An Act concerning Divorce and Alimony.'"

Mr. Wood moved that the House resolve itself into Committee of the Whole, on House Bill No. 28.

Lost.

Mr. Nelson moved that the Bill be deferred and made the special order of Monday next, at 2 o'clock, P. M.

Lost.

Mr. Parks moved to indefinitely postpone the Bill.

Carried.

House Bill 72, entitled "An Act to incorporate St. Johns Lodge No. 26, at Atchison," was taken up.

Rules suspended.

Read a third time, and

Passed.

House Bill No. 73, entitled "An Act establishing a ferry at Le Roy, in Coffey county," was taken up.

On motion of Mr. Rankin, the word "ten" was stricken out and "five" inserted in the Bill.

Rules suspended.

Read a third time, and

Passed.

House Bill 75, entitled "An Act to incorporate the Neosho Lodge of Free and Accepted Masons," was taken up.

Rules suspended, and

Passed.

House Bill 107, entitled "An Act to amend the Code of Civil Procedure," was taken up, and,

On motion, laid over and made the special order of 10 o'clock to-morrow.

Mr. Parks, by consent, withdrew House Bill No. 102, entitled "An Act repealing an Act entitled 'An Act to establish the Office of Land District Recorder.' "

House Bill 21, entitled "An Act to facilitate the settlement of Estates of deceased Partners," was taken up,

Laid on the table, and

Ordered to be printed.

House Bill 25, entitled "An Act to provide for sub-dividing sections of land," was taken up, and

Laid over.

House Bill 122, entitled "An Act to extend the time for the completion of the Kansas river bridge at Tecumseh," was taken up.

Rules suspended.

Read a third time, and

Passed.

The title was agreed to.

House Bill 57, entitled "An Act establishing a certain Territorial road," was taken up, and

On motion of Mr. Parks, was

Referred to the Joint Committee of the two Houses.

Mr. McMath offered the following amendment, which was adopted:

[Amendment not furnished in copy.—PRINTER.]

Also, the following House Bills, 57, 131, 143, 149, 152 and 164, to the Joint Committee on Territorial Roads.

Mr. Wood offered the following resolution:

That the special rules adopted by the House, at the last regular session be adopted as the special rules for the government of this House; and that, where said rules are silent, Jefferson's Manual shall be adopted as the rules of this House.

Mr. Parks moved to lay the resolution on the table; upon which

Mr. McMath demanded the yeas and nays, pending which, the House adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

Mr. Nelson, from Committee on County Lines and County Seats, submitted the following report:

The Committee on County Seats and County Lines, to whom was referred House Bill 79, "An Act providing for the location of the seat of justice of Breckenridge county," have had the same under consideration, and at the request of the parties interested, would recommend that the Bill be amended, by striking out all of sections eight and nine of said Bill, and beg leave to report the Bill back without recommendation.

Your Committee have also had House Bill No. 41 under conconsideration and would recommend that the Bill be amended by striking out all of section two of said Bill, and beg leave to report the same back to the House for their consideration.

G. W. NELSON.

The report of the Committee was agreed to.

On motion of Mr. Elliott, House Bill No. 79 was taken up.

Mr. Cornwell moved to strike out section eight of the Bill.

Carried.

On motion of Mr. Elliott, the rules were suspended, and the Bill was

Read a third time and passed.

The title was agreed to.

Mr. McMath offered the following resolution, which was adopted:

Resolved, That Judge John A. Halderman be invited to a seat within the bar of the House and that the Sergeant-at-Arms be required to furnish him a seat.

Message from the Council:

MR. SPEAKER:—I am directed to notify the House that the Council have passed House Bill No. 4, "An Act to provide for the location of the county seat of Allen county," with the following amendments, in which your concurrence is desired:

Amend by striking out in seventh line, section one, the word "permanent" and insert "temporary;" strike out in section one, "March" and insert "June;" strike out all of section two after the word "their" and insert as follows: "The county seat shall remain as at present located by law;" strike out the word "permanent" in section five and insert "temporarily;" in section six strike out the word "permanently" and insert "temporarily;" also, Council Bill No. 30, "An Act to establish a Toll Bridge across Monument creek;" also, Council Bill No. 32, "An Act to charter a Toll Bridge over the Pawnee fork of the Arkansas river;" also, Council Bill No. 23, "An Act to establish a Toll Bridge over the Arkansas river, at the mouth of the Fountaine Qui Bouille;" also, House Bill No. 50, "An Act to incorporate the Laporte Town Company and city of Laporte," without amendment; "An Act to charter the Olathe and Southern Kansas Railroad Company;" also, Council Bill No. 54, "An Act to prevent the firing of woods, marshes and prairies:" also, Council Bill No. 37, "An Act to provide for the permanent location of the county seat of Marshall county;" also, Council Bill No. 29, "An Act to charter a Ferry across the Fountaine Qui Bouille river, in Kansas Territory;" also, that the Council have concurred in House amendments to Council Bill No. 70, "An Act to prohibit the recording of deeds and other instruments in the Land District Recorder's Office, in Kansas Territory;" also, Council Bill No. 25, "An Act to incorporate the Walnut creek Bridge Company;" also, Council Bill No. 31, entitled "An Act to authorize Hiram E. Byington to build and maintain a Bridge across the Marais des Cygnes river, at the Sac and Fox Agency." Your concurrence is invited.

JOHN J. INGALLS,
Secretary.

House Bill No. 71, entitled "An Act for the relief of John Kendall," was taken up.

Read a second time.

Rules suspended.

Read a third time and passed.

The title was agreed to.

The special order being the consideration of House Bill No. 6, entitled "An Act to prevent slavery and involuntary servitude in Kansas," was taken up.

Mr. Wood offered a substitute, which was

Read and agreed to.

Mr. McMath moved to strike out all after the enacting clause and insert the following sections:

Section 1. That the doctrine of the irrepressible conflict between the free and slave states, as inaugerated by William H. Seward, a leading Republican, in his Rochester speech, be and the same is hereby denounced to be infamous, dangerous and at war with the Federal Constitution.

Sec. 2. That the raid of old John Brown and his followers into the state of Virginia, is the natural result of the doctrine of the irrepressible conflict inaugurated by Seward, and which is maintained and supported by the Republican party.

Sec. 3. This act to take effect and be in force from and after its passage.

Mr. Wood offered the following as an amendment to the substitute of Mr. McMath:

Strike out of the first section of the substitute, the words "William H. Seward, a leading Republican, in his Rochester speech" and insert the words "Richmond *Enquirer*, a leading Democratic paper."

Also, strike out the word "Republican" and insert "Democratic."

Also, strike out the word "Seward" and insert "Richmond *Enquirer*."

Mr. Brown moved to lay the substitute and the amendment upon the table.

Carried.

Mr. Sims offered the following as an additional section in the Bill:

Amend by adding a section as follows: Section 1. No free negro or mulatto shall be allowed to come into or reside in this Territory after the first day of March, 1860.

Mr. Wood moved to lay the section upon the table.

Upon which the yeas and nays were demanded with the following result:

Yeas—21. Nays—15.

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Chandler, Canniff, Cave, Elliott, Fitzpatrick, Jones, Knowles, Lynde, Lindsay, Morton, Nelson, Pierce, Robertson, Rankin, Steward, Shively, Sheldon, Scott and Wood.

Those voting in the negative were

Messrs. Brown, Blake, Dutton, Heath, Lombard, Murphy, McMath, Parks, Reynolds, Sims, Sopris, Vanderslice, Whitehead, Wright and Wagstaff.

So the motion to lay upon the table prevailed.

Mr. Heath moved a call of the House.

The call was ordered, and the Sergeant-at-Arms directed to bring in absentees.

The Sergeant-at-Arms returned with Messrs. Lombard and Noel.

On motion of Mr. Sopris, further proceedings under the call were dispensed with.

Message from the Council:

MR. SPEAKER:—I am directed to notify the House that the Council have passed Council Bill No. 79, entitled "An Act to incorporate the American Mining Company." Your concurrence is desired.

JOHN J. INGALLS,
Secretary.

Mr. McMath moved to indefinitely postpone the Bill, and

Upon the vote being taken, resulted as follows:

Yeas—2. Nays—34.

Those voting in the affirmative were

Messrs. McMath and Reynolds.

Those voting in the negative were

Messrs. Brown, Blake, Bartlett, Brooks, Chandler, Canniff, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lombard, Lynde, Lindsay, Murphy, Morton, Nelson, Parks, Pierce, Robertson, Rankin, Stewart, Sims, Shively, Sheldon, Scott, Vanderslice, Whitehead, Wright, Wagstaff and Wood.

So the motion to indefinitely postpone was lost.

The Bill was read a third time, and

Upon motion of Mr. Wood, the Bill was postponed and made the special order of Thursday, at 2 o'clock, P. M.

Mr. Cornwell moved to take up the calendar in its order.

Carried.

House Bill No. 32, entitled "An Act supplemental to 'An Act to incorporate the town of Bloomington,'" was taken up, and

On motion of Mr. Nelson, the Bill was committed to the Committee on Judiciary.

House Bill No. 67, entitled "An Act to incorporate a Ferry across the Missouri river, at the city of Quindaro," was taken up, and the amendments as recommended by the Committee on Incorporations

Agreed to by the House.

On motion of Mr. Rankin, the rules were suspended, the

Bill read a third time and

Passed.

House Bill No. 29, "An Act to incorporate the Town and Town Company of Fremont," was taken up, and

Read a second time.

Rules suspended, and

Read a third time and

Passed.

The title was agreed to.

The recommendation of the Committee on Corporations and Banking was adopted.

House Bill No. 32, was taken up, and laid upon the table for the present.

House Bill No. 33, was taken up, "An Act to charter a Ferry over the Arkansas River, at Huerfano."

On motion of Mr. Wood, the Bill was referred to a Select Committee of two.

Messrs. Wood and Sopris, Committee.

House Bill No. 46 was taken up and postponed, and was made the special order of Monday, at 2 o'clock, P. M.

House Bill No. 125, entitled "An Act to incorporate the Denver City and Beaver Creek Wagon Road Company," was taken up, and

Referred to Committee on Incorporations and Banking.

On motion of Mr. Cornwell,

The House adjourned.

GUSTAVUS A. COLTON,
Speaker of the House of Representatives.

M. W. DELAHAY,
Chief Clerk.

WEDNESDAY, February 1, 160,
9 o'clock, A. M.

House called to order by the Speaker *pro tem.*

Roll called.

Absent, Messrs. Brown, Fitzpatrick, Jones, Knowles, Murphy, McMath, Morton, Parks, Rankin, Sims, Sheldon, Whitehead, Wagstaff, Wood and Mr. Speaker.

Journal of yesterday read and approved.

Mr. Fitzpatrick presented a petition of F. Crane and 109 others, relative to a change in the lines of Jackson, Shawnee and Osage counties.

Referred to Committee on Counties and County Lines.

Mr. Nelson presented a petition of Mr. Pig and 26 others, praying for a change of the boundary of Woodson county.

Referred to Committee on Counties and County Lines.

Mr. Pierce presented a petition of J. P. Miller and others, in reference to a Toll Bridge across Big Blue river.

Referred to Committee on Corporations.

Mr. Steward presented a remonstrance of Isaac Swigard and 150 others, against the division of Jackson county.

Referred to Committee on Counties and County Lines.

Mr. Vanderslice gave notice that, on to-morrow or some subsequent day, he would introduce a Bill to incorporate the Iowa Point and Denver City Railroad Company.

Mr. Chandler gave notice that he would, at an early day, introduce a Bill for the organization of two new counties to the west of Clay and Dickinson, to be called Sherley and Slade.

Mr. Brown gave notice that he would, on some subsequent day, introduce a Bill, providing for the incorporation of the Kansas Scientific and Literary Institute.

Mr. Elliott asked leave of absence for the period of ten days.

Leave was granted.

Mr. Wood presented the petition of H. C. Van Horn and 38 other legal voters of Madison and Greenwood counties, praying for a division of Madison county.

Referred to Committee on Counties and County Lines.

Mr. Scott, from the Special Committee to investigate the charges against the Chief Clerk, reported the following:

The Select Committee to whom was referred the petition of of M. W. Delahay, Chief Clerk of this House, beg leave to report that they have examined that portion of the Journal in relation to which the charge of mutilation has been made, and find that said charges are entirely destitute of foundation. In fact, no erasure, addition or alteration has been made by the Clerk, except such as have been ordered by the House, in the daily correction of the Journal. Your committee, therefore, recommend that this report be spread upon the Journal, as a complete and official vindication of the Chief Clerk against the charges made by the correspondent of the Leavenworth Daily *Herald* of January 19th, A. D. 1860. All of which is respectfully submitted.

JOHN W. SCOTT.
E. LYNDE.
R. SOPRIS.
JOHN WRIGHT.
O. H. SHELDON.

The report was agreed to.

House Bill No. 4, entitled "An Act to establish the county seat of Allen county," was taken up, and

The amendment as recommended by the Council was read.

Mr. Scott moved that the House disagree to the amendment of the Council.

Carried.

The special order being the consideration of House Bill No. 107, entitled "An Act to amend the Code of Civil Procedure," it was taken up, and

On motion of Mr. Bartlett,

The House resolved itself into a Committee of the Whole, for the consideration of the Bill.

Mr. McMath in the chair.

After some time spent therein,

The Committee arose, and through their chairman reported progress, and asked leave to sit again.

Leave was granted, and

On motion of Mr. Sims,

The House adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

On motion of Mr. Wood,

The House resolved itself into a Committee of the Whole, for the consideration of House Bill No. 107, entitled "An Act to amend the Code of Civil Procedure."

Mr. Scott in the chair.

Message from the Governor:

To the Speaker of the House of Representatives:

I have this day approved House Bill No. —, entitled "An Act to establish a Ferry at the City of Topeka."

Also, "An Act explanatory of an Act entitled "An Act legalizing certain Bonds therein named,'" approved January 18, A. D. 1860. Very respectfully,

S. MEDARY.

After some time spent in the Committee of the Whole,

The Committee arose, and through the chairman reported as follows:

The Committee of the whole House, having had under consideration House Bill No. 107, beg leave to report the same, with the following amendments:

To section 2nd add as follows: "6. If taken in execution or any order as judgment against the plaintiff that it exempt by law from being so taken."

JOHN W. SCOTT, Chairman.

The report of the Committee was agreed to.

Bill considered by sections.

Sections 1st, 2nd, 3rd, 4th, 5th and 6th were adopted.

On motion of Mr. Wood, Sec. 7th was stricken out.

Mr. Cornwell offered the following as a substitute to Sec. 7th:

That Sec. 320 be amended so as to read as follows: Sec. 320. No person interested as a party in any civil action or proceeding shall be allowed to testify in the same, unless required to do so by the adverse party, or if the party so requiring may be sworn.

Mr. Wood moved to lay the substitute upon the table,

Upon which the yeas and nays were demanded with the following result:

Yeas—14. Nays—17.

Those voting in the affirmative were

Messrs. Bartlett, Chandler, Cave, Jones, Knowles, Lynde, Lindsay, McMath, Morton, Parks, Pierce, Scott, Wagstaff and Wood.

Those voting in the negative were

Messrs. Blake, Brooks, Canniff, Cornwell, Fitzpatrick, Heath, Lombard, Noel, Nelson, Robertson, Reynolds, Sims, Shively, Sheldon, Vanderslice, Whitehead and Wright.

So the motion to lay upon the table was lost.

Message from the Council:

MR. SPEAKER:—I am directed to notify the House that the Council have passed Council Bill No. 56, entitled "An Act legalizing the acts of George Smith, Justice of the Peace of Franklin township, Jackson county, K. T."

Also, Council Bill No. 11, entitled "An Act to amend an Act entitled an Act to provide for locating and working Highways," approved February, 1859.

Also, Council Bill, No. 65, entitled "An Act to incorporate the Junction City Cemetery Association."

Also, House Bill No. 75, entitled "An Act incorporating the Neosho Lodge of Ancient Free and Accepted Masons."

Your concurrence is invited.

House Bill No. 72, entitled "An Act to Incorporate the St. Johns Lodge Lodge, No. 26, of Free and Accepted Masons, at Atchison," without amendment,

Also, that the Council have concurred in House Concurrent Resolution No. 11, relating to Mail Routes, and appointed Mr. Beebe as Committee on part of the Council.

JOHN J. INGALLS,
Secretary.

The question recurring upon the passage of the substitute to Sec. 7 in the Bill, as offered by Mr. Cornwell,

Mr. Knowles demanded the previous question, which being sustained,

The vote was taken, and the substitute was lost.

Sec. 8 was adopted.

Sec. 9 being under consideration,

Mr. Wood moved to amend by inserting the words:

Sections 60, 185, 237, 502, 526 and 534 of the Act to which this is an amendment are hereby repealed.

Mr. Bartlett moved to further amend Sec. 9 by inserting Sections 116, 117, 118, 119, 120, 121, 122 and 123 of Chap. 6.

Mr. McMath moved to lay the amendment of Mr. Bartlett upon the table,

Upon which the yeas and nays were demanded with the following result:

Yeas—18. Nays—13.

Those voting in the affirmative were

Messrs. Blake, Canniff, Cornwell, Cave, Dutton, Fitzpatrick, Knowles, Lynde, Lindsay, McMath, Nelson, Pierce, Steward, Sims, Shively, Scott, Whitehead and Wagstaff.

Those voting in the negative were

Messrs. Bartlett, Brooks, Chandler, Jones, Murphy, Morton, Noel, Parks, Robertson, Reynolds, Rankin, Sopris, Vanderslice, Wright and Wood.

So the amendment was laid upon the table.

Mr. Wood moved to take the amendment offered by Mr. Bartlett from the table.

Lost.

Sec. 10 was taken up.

Mr. McMath moved to adopt the section without the amendment as recommended by the Committee of the Whole.

Lost.

Mr. McMath moved to strike out the 1st of May and insert the 1st of March in Sec. 1.

Mr. Sims moved to lay the amendment upon the table.

Carried.

The question being upon the adoption of the section as recommended by the Committee,

It was adopted.

Sec. 11 was read and adopted.

On motion of Mr. Nelson, the rules were suspended and

Bill read a third time and

Passed.

The title was agreed to.

On motion of Mr. McMath, House Bill No. 80 was taken up and the amendments of the Council concurred in.

On motion of Mr. Nelson, the morning orders were resumed.

Mr. Lynde presented a remonstrance of Hiram Heberling and 21 others, against any division of Shawnee county.

Also, a remonstrance of Caleb Breekas and 58 others, of Burlingame township, for the same.

Also, one from Isaac Haslett and 21 others, for the same.

Also, one of P. J. Bonsbeak and 50 others, for the same.

Also, one of William Watrass and 60 others, for the same.

Also, one of Andrew Holton and 30 others, for the same.

Also, one of John W. Brown and 130 others, for the same.

Also, one of Isaac W. Roberts and 30 others, for the same.

All of which were referred to the Committee on Counties and County Lines.

Mr. Jones presented a petition of Norman Reed and 40 others, praying for the privilege of building a dam across the Marais des Cygnes.

Referred to Committee on Judiciary.

Message from the Council:

MR. SPEAKER:—I am directed to notify the House that the Council have passed House Bill No. 80, "An Act to amend an Act entitled 'An Act to incorporate the City of Atchison,'" with the following amendments, in which your concurrence is invited:

Amend article 2, section 2d, by striking out, in the ninth line of said section, the words "or appointed," and add to the same section the following: *Provided*, That any vacancy occurring in any office, except that of mayor and councilmen, may be filled by appointment by the mayor and council for the unexpired term.

House Bill No. 71, "An Act for the relief of John Kendall," without amendment.

Council Bill No. 67, "An Act for the encouragement of Agriculture and the Mechanic Arts."

House Bill 19, "An Act to incorporate the Neosho Falls Town Company," without amendment.

Your concurrence is desired.

JOHN J. INGALLS, Secretary.

Mr. McMath, from the Select Committee to whom was referred House Bill 16, reported as follows:

The undersigned, Select Committee to whom was referred House Bill No. 16, entitled "An Act supplemental to an Act to incorporate and establish the City of Wyandott," having had the same under consideration, report the same back to the House with the following amendments, and recommend the passage of the Bill with the amendments:

Strike out section first of the Bill, and in lieu thereof insert the following section, to wit: Section 1st. That the boundary lines of the City of Wyandott be and the same are hereby extended so as to include the Territory hereinafter, to wit: From a point in the middle of the Kansas river above the southern boundary line of said corporation meets the same; thence on east to the eastern boundary of the Territory of Kansas; thence north by said boundary line to the middle of the channel of the Missouri river; thence by the same to a point opposite the north side of the Kansas river; thence by the middle of the Kansas river to the place of beginning.

All of which are respectfully submitted.

W. L. McMATH, Committee.

Mr. Scott presented the petition of citizens of Bourbon county for a vote on the question of a county seat of said county.

Mr. Jones presented the petition of Thomas Blackburn and 66 others, praying for a change of county lines of Linn county.

Both of which were referred to the Committee on Counties and County Lines.

Also, a petition of John W. Robinson and William B. Robinson, praying for relief.

Referred to Committee on Accounts:

Mr. Fitzpatrick introduced House Bill No. 184, entitled "An Act supplemental to an Act entitled 'An Act incorporating the Topeka Cemetery Association,'" approved February 2, 1859.

Also, House Bill 185, entitled "An Act to locate a Territorial road from Topeka to Council Grove."

Mr. Reynolds introduced House Bill No. 186, entitled "An Act to change the boundary lines between Davis and Morris counties.

Mr. Parks introduced House Bill 187, entitled "An Act to establish a Probate Court for Leavenworth county, and define its jurisdiction."

Mr. Nelson introduced House Bill No. 188, entitled "An Act to incorporate the Coffey County Agricultural Society."

Mr. Knowles introduced House Bill 189, entitled "An Act to locate a Territorial road from Atchison to Lawrence."

Mr. Cornwell introduced House Bill No. 190, entitled "An Act to incorporate Olathe Lodge No. 19, of Ancient Free and Accepted Masons."

Mr. Nelson introduced House Bill 191, entitled "An Act to incorporate the Southern Railroad Company."

Also, House Bill 192, to incorporate the Western Railroad Company.

Mr. Whitehead introduced House Bill 193, entitled "An Act to incorporate the City of Belmont."

Mr. Parks introduced House Bill 194, "An Act to incorporate the Leavenworth Mercantile Library Association."

Mr. Lindsay introduced House Bill 195, entitled "An Act amendatory to an Act entitled 'An Act to establish a Code of Civil Procedure,'" passed February 1859.

Mr. Scott introduced House Bill 196, entitled "An Act to locate a Territorial road from Barnesville to Pleasant Grove."

Mr. Steward introduced House Bill 197, an Act entitled "An Act authorizing the County Superintendent of Common Schools, in Jackson county, to appoint a deputy."

Referred to the Committee on Judiciary.

Mr. Jones introduced House Bill 198, entitled "An Act for the relief of John B. Robinson and William B. Robinson."

Mr. Nelson moved to adjourn until 7 o'clock this evening.

Upon which the yeas and nays were demanded, with the following result:

Yeas—13. Nays—15.

Those voting in the affirmative were

Messrs. Brown, Lombard, Lynde, Lindsay, Morton, Nelson, Pierce, Robertson, Steward, Shively and Wood.

Those voting in the negative were

Messrs. Bartlett, Chandler, Cornwell, Fitzpatrick, Jones, Knowles, Murphy, McMath, Noel, Reynolds, Scott, Vanderslice, Whitehead, Wright and Wagstaff.

And so the motion to adjourn until seven o'clock this evening was lost.

On motion of Mr. Wright,

The House adjourned.

GUSTAVUS A. COLTON,
Speaker of the House of Representatives.

M. W. DELAHAY,
Chief Clerk.

THURSDAY, February 2, 1860,
9 o'clock, A. M.

House called to order by the Speaker *pro tem.*

Prayer by the Rev. Mr. Bishop.

Roll called.

Absent, Messrs. Brooks, Dutton, Elliott, McMath, Murphy, Morton, Parks, Reynolds, Rankin, Sims, Sheldon and Wagstaff.

Journal of yesterday read and approved.

Mr. Sheldon asked leave of absence for a period of ten days.

Leave was granted.

Mr. Fitzpatrick asked leave to withdraw a petition presented by him, relative to a change of the lines of Shawnee and Osage counties.

Leave was granted and the petition withdrawn.

The Speaker announced the following gentlemen as the committee to examine by what authority warrants have been issued on the Treasury, in payment of the awards of the Claim Commissioners:

Messrs. Wood, Dutton and Fitzpatrick.

Mr. Wood offered the following resolution, which was adopted:

Resolved, That Hugh S. Walsh, Secretary of the Territory, be requested to furnish to this House, forthwith, a copy of all correspondence between himself and Attorney General Black and the Comptroller of the Treasury, in reference to the adjournment of the regular session from Lecompton, and the legality of the session at Lawrence.

Mr. Brown offered the following resolution, which was adopted:

Resolved, That D. McCook, Esq., be invited to a seat within the bar of this House.

Mr. Fitzpatrick offered the following resolution, which was adopted:

Resolved, That Hon. C. K. Holliday be invited to a seat within the bar of this House.

Mr. Wright offered the following resolution, which was adopted:

Resolved, That George W. Steele, Esq., be admitted to a seat within the bar of this House, and that the Sergeant-at-Arms be required to provide him a seat within the bar.

Mr. Lombard offered the following resolution:

Resolved, That the Hon. G. B. Fairchild, be admitted to a seat within the bar of this House.

Adopted.

Mr. Lindsay, from the Committee on Agriculture, submitted the following report:

The Committee on Agriculture and Manufactures would report that we have had under consideration Council Bill No. 7, entitled "An Act to incorporate the Franklin County Agricultural Society," and would report it back without amendments and recommend its passage.

Also, House Bill No. 101, entitled "An Act to protect Crops," and report it back, without recommendation, for the action of the House.

Mr. McMath offered the following resolution, which was adopted:

Resolved, That J. T. Hinton, Esq., of the Leavenworth *Dispatch*, be invited to a seat within the bar of this House.

Mr. Brooks from the Committee on Incorporations, submitted the following report:

The chairman of the Committee on Incorporations reported that a Bill which had come into his hands as chairman of said Committee, had been given to a gentleman for examination, and had since been introduced into the Council as a Council Bill, and printed, that he had called on the gentleman for the Bill, but could not get the same, as it had gone out of his hands.

Mr. Wood moved that the chairman of the Committee on Incorporations be instructed to give the name of the party to whom he lent House Bill No. 31.

The chairman stated that it was Dr. Bodine, of Leavenworth.

Mr. Blake introduced the following resolution, which was adopted:

Resolved, That Hon. Wm. Weir, be invited to a seat within the bar of this House.

Mr. Shively introduced the following resolution, which was adopted:

Resolved, That Judge J. N. Marcell be admitted to a seat within the bar of this House.

Mr. Scott moved that a Committee of three be appointed, to investigate the matter in relation to House Bill No. 31.

Carried.

The following gentlemen were appointed as said committee: Messrs. Scott, Heath and Parks.

Mr. Nelson presented a petition of Thomas W. Singer and eighty-eight others, for a change in the county lines of Coffey county, and the organization of a new county.

Also, a petition of J. W. Keer and others, for the same

Both of which were referred to Committee on County Lines.

Mr. Parks moved that all Bills on the calender be read by title and referred to their appropriate committee.

Carried.

Council Bill No. 30, read by title and

Referred to Committee on Incorporations.

Council Bill No. 82,

Referred to Committee on Incorporations.

House Bill No. 58,

Referred to Committee on Incorporations.

House Bill No. 129,

Referred to Committee on Roads and Highways.

House Bill No. 128,

Referred to Committee on Incorporations.

House Bill No. 126,

Referred to Committee on Judiciary.

House Bill No. 127,

Referred to Committee on Judiciary.

House Bill No. 130,

Referred to Committee on Judiciary.

House Bill No. 133,

Referred to Committee on Incorporations.

House Bill No. 132,

Referred to Committee on Judiciary.

House Bill No. 135,

Referred to Committee on Incorporations.

House Bill No. 137,

Referred to Committee on Incorporations.

House Bill No. 138,

Referred to Committee on Incorporations.

House Bill No. 136,

Referred to Committee on Incorporations.

House Bill 134,

Referred to Committee on Incorporations.

House Bill 139,

Laid on the table in order to be printed.

House Bill No. 141,

Referred to Committee on Counties and County Lines.

House Bill No. 143,

Referred to Committee on Judiciary.

House Bill No. 144,

Referred to Committee on Incorporations.

House Bill No. 140,

Referred to Committee on Incorporations.

On motion of Mr. Fitzpatrick, the vote by which House Bill No. 174 was laid upon the table and ordered to be printed, was reconsidered, and

The Bill was referred to Committee on Incorporations.

Council Bill No. 17 was taken up.

Mr. Sims moved to refer the Bill to a Select Committee of five,

Upon which the previous question was demanded and sustained.

The Bill was referred to a Select Committee; said committee consisting of Messrs. Shively, McMath, Nelson, Sims and Wood.

House Bill No. 146,

Referred to Committee on County Lines.

House Bill No. 150,

Referred to Committee on Incorporations.

House Bill No. 20,

Referred to Committee on County Lines.

House Bill No. 151,

Referred to Committee on Judiciary.

Council Bill No. 36,

Referred to Committee on Judiciary.

Council Bill No. 35,

Referred to Committee on Judiciary.

House Bill No. 48,

Referred to Committee on Judiciary.

Council Bill No. 43,

Referred to Committee of one, consisting of Mr. McMath.

House Bill No. 155,

Referred to Committee on Incorporations.

House Bill No. 156,

Laid on the table and ordered to be printed.

House Bill No. 159,

Referred to Committee on Incorporations.

House Bill No. 158,

Referred to Committee on Judiciary.

House Bill No. 163,

Referred to Committee on Incorporations.

House Bill No. 154,

Laid on the table and ordered to be printed.

Council Bill No. 47,

Referred to the Committee on County Lines.

House Bill No. 81,

Referred to Committee of one, consisting of Mr. Jones.

House Bill No. 41,

Referred to Committee of one, consisting of Mr. Wood.

House Bill No. 145,

Referred to Committee on County Lines.

House Bill No. 173,

Referred to a Select Committee, consisting of Messrs. Brown, Parks and Murphy.

House Bill No. 147,

Referred to Committee on Incorporations.

House Bill No. 153,

Referred to Committee on Judiciary.

House Bill No. 157,

Referred to Committee on Incorporations.

House Bill No. 160,

Laid on the table and ordered to be printed.

House Bill No. 169,

Referred to Committee on Judiciary.

House Bill No. 172,

Laid on the table and ordered to be printed.

House Bill No. 174,

Laid on the table and ordered to be printed.

House Bill No. 177,

Laid on the table and ordered to be printed.

House Bill No. 180,

Referred to Committee on Roads and Highways.

House Bill No. 179,

Laid on the table and ordered to be printed.

House Bill No. 184,

Referred to Committee on Incorporations.

House Bill No. 185,

Referred to Committee on Roads and Highways.

House Bill No. 186,

Referred to Committee on County Lines.

House Bill No. 188,

Referred to Committee on Agriculture.

House Bill No. 190,

Referred to Committee on Incorporations.

House Bill No. 189,

Referred to Joint Committee of both Houses.

House Bill No. 16;

Referred to Committee on Incorporations.

House Hill No. 194,

Referred to Committee on Incorporations.

House Bill No. 191,

Referred to Committee on Incorporations.

House Bill No. 195,

Referred to Committee on Judiciary.

House Bill No. 193,

Referred to Committee on Incorporations.

House Bill No. 196,

Referred to a Joint Committee of both Houses.

House Bill No. 198,

Referred to Committee on Judiciary.

House Bill No. 192,

Referred to Committee on Incorporations.

Mr. Sims, from the Committee on Enrolled Bills, reported as follows:

Mr. Speaker:—The Committee on Enrolled Bills, having examined House Bill No. 50, entitled "An Act to Incorporate the Laporte Town Company and City of Laporte.

Also, House Bill No. 19, entitled "An Act to incorporate the Neosho Falls Town Company," find said Bills correctly enrolled.

Mr. Wood, from the Judiciary Committee, reported the following:

The Judiciary Committee, to whom was referred House Bill No. 170, entitled "An Act extending the time for the payment of Taxes in Leavenworth county," have had the same under consideration, and report it back and recommend its passage, with the following amendments:

1st. In the first section insert the words "County and Townships" before the word "Taxes."

2d. Strike out "April," where it occurs in the Bill, and insert "June."

The report was agreed to.

On motion of Mr. Parks,

The House proceeded to consider Bills on the calendar on third reading.

House Bill No. 25 was read and

Referred to a Select Committee, consisting of Messrs. Lindsay and Pierce.

House Bill No. 26 was

Referred to a Select Committee, consisting of Messrs. Wood and Fitzpatrick.

House Bill No. 109, "An Act authorizing the county of Leavenworth to issue certain bonds,"

Read the third time and

Passed.

The title was agreed to.

Council Bill No. 79, entitled "An Act to incorporate the American Mining Company," was taken up.

Rules suspended, and

Bill read the second and third time, and

Passed.

The title was agreed to.

Mr. Lynde presented a petition for a Territorial road from Holton, to connect with the Leavenworth road at Dean's crossing.

Referred to Committee on Roads and Highways.

Message from the Council:

MR. SPEAKER:—I am directed to notify the House that the Council have passed Council Bill No. 26, entitled "An Act regulating the interest of Money," and your concurrence is invited; and

Also, House Bill No. 5, entitled "An Act to charter a Ferry across the Marais des Cygnes river, at a point near Stanton, known as the Morse Ford."

Also, House Bill No. 29, entitled "An Act to incorporate the Town and Town Company of Fremont," without amendment.

JOHN J. INGALLS,
Secretary.

Mr. McMath offered the following resolution, which was adopted:

Resolved, That the Docket Clerk be and the same is hereby required to put all Bills of a general nature first upon the Calendar, in the order in which they are numbered.

Mr. McMath offered the following resolution, which was adopted:

Resolved, That General William Larimer and Maj. David Killen be invited to seats within the bar of this House.

On motion of Mr. Parks, the message and communications from the Council were taken up.

Council Bill No. 23 was taken up.

The rules suspended and

Bill read the second time, and

Referred to Committee on Roads and Highways.

Council Bill No. 15 was taken up.

The rules suspended.

Read a second time, and

Referred to Committee on Incorporations.

Council Bill No. 54 was taken up.

Read the first time.

Rules suspended, and

Bill read the second time, and

Referred to Committee on Judiciary.

Mr. Scott, from the Select Committee to whom was referred the report of the chairman of the Committee on Incorporations and Banking, submitted the following report:

Mr. Speaker:—The Select Committee, to whom was referred the report of the chairman of the Committee on Incorporations, with relation to House Bill No. 31, beg leave to report that, since the appointment of this Committee, the parties by whom said Bill was taken have withdrawn the same from the Council, and placed it in the possession of your Committee, by whom it is hereby returned to the House, and your Committee ask respectfully to be discharged from further consideration of this subject.

J. W. SCOTT, Chairman.

The report was received and Committee discharged.

Council Bill No. 37 was taken up.

Read the first time.

Rules suspended.

Bill read the second time and

Referred to Committee on County Lines.

Council Bill No. 29 was taken up.

Read the first time.

Rules suspended and

Read the second time.

Referred to Committee on Incorporations.

Council Bill No. 31 was taken.

Read the first time.

Rules suspended and

Read a second time, and

Referred to Committee on Corporations.

Council Bill No. 25 was taken up and

Read the first time.

Rules suspended and

Read the second time, and

Referred to a Special Committee, consisting of Messrs. Wood and Steward.

Council Bill No. 56 was

Read the first time.

Rules suspended and

Read the second time.

Referred to Committee on Judiciary.

Council Bill No. 11 was taken up.

Read the first time.

Rules suspended and

Read a second time, and

Referred to Committee on Judiciary.

Council Bill No. 29 was taken up.

Read the first time.

Rules suspended and

Read second time, and

Referred to Committee on Incorporations.

Council Bill No. 67 was taken up.

Read the first time.

Rules suspended and

Read the second time, and

Referred to Committee on Agriculture.

Council Bill No. 65 was taken up and

Read the first time.

Rules suspended and

Bill read the second time, and

Referred to Committee on Judiciary.

Mr. Wood, from a Select Committee on House Bill No. 26, made the following report:

The Select Committee, to whom was referred House Bill No. 26, entitled "An Act to authorize William D. Harris and Alexander Street to build a bridge across 110 mile creek, at the town of Washington," have had the same under consideration, and would recommend its passage, with the following amendment, to wit:

Add an additional section as follows:

Sec. 5. That said bridge shall not be built so as to interfere with the present ford on said 110 mile creek; and the said William D. Harris and Alexander Street, their heirs and assigns, shall keep said ford open and free to travel, and on failure to do so, shall forfeit this charter.

Also, change section 5 to section 6.

S. N. WOOD,
Chairman of the Committee.

House Bill No. 26 was taken up, and

Read a third time and passed.

The title was agreed to.

House Bill No. 170, entitled "An Act to extend the time for collection of taxes in Leavenworth county," was taken up.

The amendments of the Committee on Judiciary were concurred in.

Bill read a third time and

Passed.

The title was agreed to.

Mr. Sims, from the Committee on Enrolled Bills, submitted the following report:

Mr. Speaker:—The Committee on Enrolled Bills having examined House Bill No. 80, entitled "An Act to amend 'An Act to incorporate the city of Atchison,'" find the same correctly enrolled.

Mr. Lombard offered the following resolution:

Resolved, That the Sergeant-at-Arms be ordered to supply members of this House, who are destitute, with the general laws of 1859, and that this resolution be read every day until the said laws are furnished.

Lost.

Mr. Steward offered the following resolution:

Resolved, By the House of Representatives, (the Council concurring therein,) That we do adjourn on Wednesday, the 15th day of February, A. D., 1860, at 12 o'clock, M., *sine die.*

Mr. Nelson moved to lay the motion upon the table.

Upon which the yeas and nays were demanded with the following result:

Yeas—18. Nays—14.

Those voting in the affirmative were

Messrs. Brooks, Chandler, Canniff, Cave, Fitzpatrick, Knowles, McMath, Morton, Nelson, Parks, Pierce, Rankin, Heath, Shively, Scott, Sopris, Whitehead and Wagstaff.

Those voting in the negative were

Messrs. Brown, Blake, Cornwell, Dutton, Jones, Lombard, Lynde, Lindsay, Robertson, Reynolds, Steward, Sims, Wright and Wood.

So the motion to lay upon the table was carried.

Mr. Blake offered the following resolution:

Resolved, That the Committee to whom was referred House Bill No. 120, be instructed to report the same back to the House forthwith.

Mr. Parks in the chair.

Mr. Lynde moved to amend by striking out "forthwith" and inserting "to-morrow at 2 o'clock."

Upon which the yeas and nays were demanded with the following result:

Yeas—24. Nays—6.

Those voting in the affirmative were

Messrs. Brown, Brooks, Chandler, Canniff, Cornwell, Dutton, Fitzpatrick, Heath, Jones, Knowles, Lynde, Morton, Noel, Nelson, Parks, Pierce, Robertson, Rankin, Steward, Sims, Scott, Sopris, Wagstaff and Wood.

Those voting in the negative were

Messrs. Blake, Cave, Lombard, Reynolds, Whitehead and Wright.

So the amendment was adopted.

Mr. Sims, from the Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER:—The Committee on Enrolled Bills, having examined House Bill No. 72, entitled "An Act to incorporate the St. John's Lodge, No. 26, of Ancient Free and Accepted Masons," find the same correctly enrolled.

On motion of Mr. Lynde,

The House adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

Mr. Fitzpatrick moved a call of the House.

The call was ordered, and the Sergeant-at-Arms directed to bring in absentees.

Absent members, Messrs. Brown, Brooks, Elliott, Murphy, Sims, Sheldon, Wood and Mr. Speaker.

The Sergeant-at-Arms returned with Messrs. Sims, Wood and Murphy.

On motion of Mr. Wood, further proceedings under the call of the House were dispensed with.

The special order being the consideration of House Bill No. 6, entitled "An Act to prohibit Slavery and Involuntary Servitude in Kansas," it was taken up.

Mr. Wright moved to reconsider the vote by which the Bill was ordered to a third reading.

Mr. Wood moved to lay the motion of Mr. Wright on the table.

Upon which the yeas and nays were demanded, with the following result:

Yeas—21. Nays—15.

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Chandler, Canniff, Cave, Fitzpatrick, Heath, Jones, Knowles, Lynde, Lindsay, Nelson, Pierce, Robertson, Rankin, Steward, Shively, Scott, Sopris and Wood.

Those voting in the negative were

Messrs. Brown, Blake, Cornwell, Dutton, Lombard, Murphy, McMath, Noel, Parks, Reynolds, Sims, Vanderslice, Whitehead, Wright and Wagstaff.

So the motion to lay upon the table prevailed.

Message from the Council:

MR. SPEAKER:—I am directed to notify the House, that the Council have passed House Bill No. 61, entitled "An Act incorporating the Linn County Agricultural Society."

Also, House Bill No. 12, entitled "An Act to incorporate the town of Stanton."

Also, House Bill No. 76, entitled "An Act to incorporate the Osage Town Company," without amendment.

Also, House Bill No. 161, entitled "An Act divorcing Amon G. DaLee and Clarinda E. DaLee, with the following amendments, in which your concurrence is desired:

Provided, That the said Amon G. DaLee shall furnish to each member of the Council, ambrotypes of himself and his intended, together with the ambrotype of each member of the Council voting "aye" on the final passage of the Bill.

JOHN J. INGALLS,
Secretary.

Mr. Sims, from the Committee on Enrolled Bills, reported the following:

MR. SPEAKER:—House Bill No. 76, entitled "An Act to incorporate the Osage Town Company," has been examined and found truly enrolled.

Message from the Governor:

EXECUTIVE OFFICE, K. T.,
Feb. 2d, 1860.

To the Speaker of the House of Representatives:

I have this day approved House Bills, "An Act to extend the time for the collection of taxes in Doniphan county."

"An Act legalizing the assessment of taxes in Chase county."

"An Act to extend the time for paying taxes."

"An Act supplemental to 'An Act regulating inclosures,"' approved February 11th, 1859.

"An Act to amend 'An Act to incorporate the city of Atchison."

Very respectfully,
S. MEDARY.

Mr. Fitzpatrick moved a call of the House.

The call was ordered, and the Sergeant-at-Arms was ordered to bring in absentees.

Absent members, Messrs. Rankin and Bartlett.

On motion of Mr. Parks, the further proceedings under the call were dispensed with.

The vote being taken upon the final passage of House Bill No. 6, the result was as follows:

Yeas—29. Nays—6.

Those voting in the affirmative were

Messrs. Brown, Blake, Bartlett, Brooks, Chandler, Canniff, Cornwell, Cave, Dutton, Fitzpatrick, Heath, Jones, Knowles, Lynde, Lindsay, Murphy, Morton, Nelson, Parks, Pierce, Robertson, Rankin, Steward, Sims, Shively, Scott, Sopris, Wright, Wagstaff and Wood.

Those voting in the negative were

Messrs. Lombard, McMath, Noel, Reynolds, Vanderslice and Whitehead.

So the Bill passed, and

The title was agreed to.

Mr. Reynolds introduced House Bill No. 199, entitled "An Act to establish a Territrorial road from the county seat of Clay county, to the south-east corner of Davis county."

Mr. Wagstaff introduced House Bill No. 200, entitled "An Act making citizens of certain Indians in Kansas Territory."

Mr. Nelson introduced House Bill No. 201, entitled "An Act to incorporate the Riley City Town Company."

Mr. Murphy introduced House Bill No. 202, entitled "An Act to incorporate the Mount Prospect Cemetery, near Denver City, Arrapahoe county, K. T."

Mr. Wright introduced House Bill No. 203, entitled "An Act to incorporate the Leavenworth Turnverien."

Mr. Rankin introduced House Bill No. 204, entitled "An Act to regulate counties and county officers."

Referred to Committee of both Houses.

Mr. Wood introduced House Bill No. 205, entitled "An Act to change the name of Mary K. Patterson."

Also, House Bill No. 206, entitled "An Act to secure Freedom to all persons in the Territory of Kansas."

Referred to Committee on Judiciary.

Mr. —— introduced House Bill No. 207, entitled "An Act to change a certain Territorial road."

Referred to Committee on Roads and Highways.

On motion of Mr. Brown,

House adjourned.

GUSTAVUS A. COLTON,
Speaker of the House of Representatives.

M. W. Delahay,
Chief Clerk.

FRIDAY, February 3, 1860,
9 o'clock, A. M.

House called to order by the Speaker *pro tem.*

Roll called.

Absent, Messrs. Blake, Brooks, Chandler, Cornwell, Elliott, Fitzpatrick, Heath, Lindsay, Murphy, Morton, Noel, Parks, Reynolds, Rankin, Steward, Sims, Shively, Sheldon and Mr. Speaker.

Not being a quorum present, the Sergeant-at-Arms was directed to bring in absentees.

The Sergeant-at-Arms returned with Messrs. Blake, Brooks, Morton, Parks, Rankin, Steward and Wagstaff.

The Journal of yesterday was read and approved.

Message from the Council:

MR. SPEAKER:—I am directed to notify the House that the Council have passed House Bill No. 94, entitled "An Act to facilitate the pursuit of practical Anatomy," with the following amendment, in which your concurrence is desired:

Amend section 1st so as to read: "As to impair the right of any person claiming to be a friend or relation of such deceased person."

JOHN J. INGALLS,
Secretary.

Mr. Fitzpatrick asked leave of absence until Tuesday next.

Leave was granted.

Mr. Nelson introduced House Bill No. 208, entitled "An Act to incorporate the Hampden Woolen Manufacturing Company."

Referred to Committee on Incorporations.

Mr. Pierce introduced House Bill No. 209, entitled "An Act to establish a Territorial road from Marysville to the Republican river, via the town of Washington."

Referred to the Committee on Roads.

Mr. Chandler introduced House Bill No. 210, entitled "An Act to organize the counties of Slade and Shirley."

Referred to Committee on Counties and County Lines.

Mr. Heath introduced House Bill No. 211, entitled "An Act to amend an Act entitled 'An Act to regulate elections.' "

Referred to Committee on Elections.

Mr. Bartlett introduced House Bill No. 212, entitled "An Act to establish a ferry across the Kansas river at Wabaunsee."

Referred to Committee on Incorporations.

Mr. Dutton introduced House Bill No. 213, entitled "An Act to establish a Territorial road."

Referred to Committee on Roads and Highways.

Mr. Vanderslice introduced House Bill No. 214, entitled "An Act to amend an Act entitled 'An Act to establish and charter a ferry at the City of Elwood, and for revising and repealing all former charters relating to such ferry."

Referred to Committee on Incorporations.

Mr. Dutton introduced House Bill No. 215, entitled "An Act to locate a Territorial road from Atchison to the Nebraska line."

Referred to Joint Committee on Roads.

Mr. Brown introduced House Bill No. 216, entitled "An Act to incorporate the Kansas Scientific and Literary Institute."

Referred to Committee on Incorporations.

Mr. Brooks introduced House Bill No. 217, entitled "An Act to establish and charter a ferry across the Kansas river at or near the mouth of the Wakarusa river."

Referred to Committee on Incorporations.

Mr. Vanderslice introduced House Bill No. 218, entitled "An Act to incorporate the Iowa Point and Denver City Railroad Company."

Referred to Committee on Incorporations.

Mr. Reynolds introduced House Bill No. 219, entitled "An Act to organize and temporarily locate the county seat of Dickinson county."

Referred to Committee on Counties and County Seats.

Mr. Brown introduced House Bill No. 220, "An Act regulating fees of the Clerks of the Second District Courts in this Territory, and for other purposes."

Referred to Committee on Judiciary.

Mr. Vanderslice introduced House Bill No. 221, entitled "An Act to restrain intercourse with Indians."

Referred to Committee on Judiciary.

Mr. Sims presented a petition from M. Kutcher and 50 others, for a toll bridge near the Marais des Cygnes river.

Referred to Select Committee of three, Mr. Shively chairman.

Mr. Nelson offered the following resolution, which was adopted:

Resolved, That the Committee to whom was referred House Bill No. 130, entitled "An Act to extend the time for the payment of taxes," be and the same are hereby required to report the same back to the House by 11 o'clock, A. M., of to-day.

Mr. Chandler introduced the following resolution, which was adopted:

Resolved, That the Hon. Charles Vivaldi and the Hon. F. M. Blake be invited to seats within the bar of this House.

Mr. Brooks, from Committee on Incorporations and Banking, submitted the following report:

The Committee on Incorporations having had under consideration House Bill No. 30, entitled "An Act to incorporate the Elwood Building Association," beg leave to report the same back, and recommend its passage, without amendment.

P. R. BROOKS, Chairman.

Mr. Bartlett, from Committee on Elections, submitted a report.

Mr. Wood, from the Committee on Judiciary, submitted the following report:

The Committee on Judiciary, to whom was referred House Bill No. 104, entitled "An Act authorizing the transcribing of deeds, &c., for Wabaunsee county," have had the same under consideration, and report it back and recommend its passage.

Mr. Jones, from Special Committee on House Bill No. 81, submitted the following report:

MR. SPEAKER:—The Select Committee, to whom was referred House Bill No. 81, would respectfully report the same back and recommend its passage.

J. H. JONES, Chairman.

Mr. Brown, from Select Committee on House Bill No. 173, submitted the following report:

MR. SPEAKER:—The Special Committee, to whom was referred House Bill No. 173, have had the same under consideration, and report the same back without amendment and recommend its passage.

F. BROWN, Chairman.

Mr. Wood, from Committee on Judiciary, submitted the following report:

MR. SPEAKER:—The Judiciary Committee, to whom was referred House Bill No. 106, entitled "An Act to create a lien in favor of Mechanics and others," have had the same under consideration, and instruct me to report the same back and recommend its passage.

S. N. WOOD, Chairman.

Mr. Wood, from Select Committee to whom was referred House Bill No. 41, submitted the following report:

MR. SPEAKER:—The Select Committee to whom was referred House Bill No. 41, entitled "An Act changing the lines of Chase county," have had the same under consideration, and recommend its passage with the following amendment:

Strike out section second.

S. N. WOOD, Chairman.

The report was agreed to.

Mr. Wood, from the Committee on Judiciary, submitted the following report:

The Committee on Judiciary, to whom was referred House Bill No. 130, entitled "An Act to extend the time for the collection of Taxes in Jefferson county," beg leave to report that they have considered the same, and report the same back with the following amendment, and recommend its passage:

Strike out the "first of June" and insert "the 25th day of February."

Mr. Dutton, from Special Committee, to whom was referred House Bill No. 129, submitted the following report:

Mr. Speaker:—The Special Committee, to whom was referred House Bill No. 129, entitled "An Act establishing Highways in the county of Brown," having had the same under consideration, report the Bill back without amendment and recommend its passage.

On motion of Mr. Nelson the rules were suspended, and

All Bills introduced read a second time and referred to their appropriate committees.

House Bill No. 208,

Referred to Committee on Incorporations.

House Bill No. 209,

Referred to Committee of both Houses.

House Bill No. 212,

Referred to the Committee on Incorporations.

House Bill No. 113,

Referred to the Committee on Incorporations.

House Bill No. 200,

Referred to the Committee on County Lines.

House Bill No. 211,

Referred to the Committee on Elections.

House Bill No. 214,

Referred to Committee on Incorporations.

House Bill No. 216,

Referred to Committee on Incorporations.

House Bill No. 213,

Referred to a Joint Committee of both Houses.

House Bill No. 115,

Referred to a Joint Committee of both Houses.

Mr. Chandler gave notice that he would, at an early day, introduce a Bill to regulate Taxes in Riley county.

Mr. Bartlett, by unanimous consent, withdrew the report of the Committee on Elections, that it might be revised and corrected.

Mr. Scott offered the following resolution, which was adopted:

Resolved, That the House insist on its disagreement to the amendments made by the Council to House Bill No. 4, and ask for a Committee of Conference.

The Speaker appointed the following gentlemen as said Committee:

Messrs. Heath, Morton, Dutton, Parks and Wagstaff.

Mr. McMath, from the Committee to whom was referred Council Bill No. 43, submitted the following report:

The undersigned, to whom was referred Council Bill No. 43, entitled "An Act for the relief of Jane Colter," has had the same under consideration, and report the same back to the House without amendment.

W. L. McMATH,
Committee.

Message from the Council:

Mr. Speaker:—I am directed to notify the House that the Council insist on their amendments to House Bill No. 4, entitled "An Act to provide for the location of the County Seat of Allen county."

JOHN J. INGALLS,
Secretary.

Council Bill No. 61, "An Act divorcing Amon G. DaLee and Clarinda E. DaLee," was taken up.

Mr. Brooks moved that the House concur in the amendments of the Council.

Carried.

Council Bill No. 26 was taken up,

Read a first time.

Rules suspended, and

Read a second time, and

Referred to Committee on Judiciary.

Mr. Nelson moved that the Judiciary Committee be requested to report Council Bill No. 26 back to the House forthwith.

Mr. Morton moved to lay the motion of Mr. Nelson upon the table.

Carried.

Mr. Wood, from the Judiciary Committee, reported the following:

Mr. Speaker:—The Judiciary Committee, to whom was referred Council Bill No. 35, entitled "An Act divorcing Letta McLaughlin and Henry McLaughlin."

Also, Council Bill No. 36, entitled "An Act divorcing W. A. Morton and Sarah J. Morton," have had the same under consideration, and instruct me to report them back and recommend their passage.

S. N. WOOD.
Chairman.

House Bill No. 101, entitled "An Act for the protection of Crops," was taken up.

Read a second time, and

Referred to Committee on Agriculture.

House Bill No. 199, entitled "An Act to establish a Territorial Road from the county seat of Clay county to the southeast corner of Davis county," was taken up and

Read a second time, and

Referred to Joint Committee of both Houses.

House Bill No. 203, entitled "An Act to incorporate the Leavenworth Turnverein," was taken up,

Read a second time, and

Referred to a Committee of three, consisting of Messrs. Brown, Murphy and Parks.

Council Bill No. 3, entitled "An Act to incorporate the Franklin County Agricultural Society," was taken up,

Read a second time.

Rules suspended.

Read a third time, and

Passed.

The title was agreed to.

Mr. Parks offered the following resolution, which was agreed to:

Resolved, That when this House adjourns, it stands adjourned until Monday morning next, at 10 o'clock, A. M., for the purpose of giving the Committees time to report the numerous Bills now before them.

Message from the Council:

MR. SPEAKER:—I am directed to notify the House that the Council recede from their amendments to Council Bill No. 161.

Also, that the Council have appointed as Committee of Conference to House Bill No. 4, Messrs. Beebe, Hendry and Woodward.

JOHN J. INGALLS,
Secretary.

Mr. Brooks gave notice that he would, at an early day, introduce a Bill to amend the City Charter of Lawrence.

Also, a Bill to authorize the authorities of the city of Lawrence to dispose of certain property therein named.

Mr. Bartlett introduced a petition of thirty-two citizens of Wabaunsee county, praying for a vote on the permanent location of the County Seat of said county.

On motion of Mr Wagstaff, House Bill No. 81, entitled "An Act to provide for the location of the county seat of Linn County, by a vote of the people," was taken up, and

On motion of Mr. Scott,

The House resolved itself into a Committee of the Whole, upon the consideration of the Bill.

Mr. Brooks in the Chair.

After some time spent therein,

The Committee arose, and through the chairman, reported the Bill back to the House with amendment and recommended its passage.

The report was agreed to.

The Bill was read a third time and

Passed.

The title was agreed to.

House Bill No. 130 was taken up, entitled "An Act to extend the time for the collection of Taxes in Jefferson County."

Mr. Scott in the chair.

Mr. Lynde moved that the House agree to the report of the Committee on Judiciary.

House Bill No.—was taken up and

Read a second time, and

Referred to the Committee on Judiciary.

Mr. Brooks, from Committee on Incorporations, submitted the following report:

The Committee on Incorporations and Banking, have had under consideration Council Bill No. 22, entitled "An Act to incorporate the Neosho Falls Water Power and Manufacturing Company," report the same without amendment and recommend its passage.

P. R. BROOKS, Chairman.

The report was agreed to.

House Bill No. 22 was taken up,

Read a second time.

Rules suspended,

Read a third time and

Passed.

The title was agreed to.

Mr. Pierce, from the Special Committee on House Bill No. 25, reported as follows:

MR. SPEAKER:—The Special Committee to whom was referred House Bill No. 25, entitled "An Act to provide for the subdividing of sections of Land," respectfully report that they have had the same under consideration, and report the same back to the House and recommend its passage without amendment.

G. G. PIERCE, Chairman.

House Bill No. 25 was taken up and

Read a second time.

Rules suspended,

Read a third time and

Passed.

The title was agreed to.

House Bill No. 160 was taken up,

Read a second time and

Referred to Committee on Agriculture.

House Bill No. 173 was taken up, entitled "An Act to incorporate the Kansas Philo-Dramatic Institute."

Rules suspended, and

Bill passed.

The title was agreed to.

House Bill No. 172, entitled "An Act Regulating Elections," was taken up.

Mr. Nelson moved to amend as follows:

In section 2, third line, after the word "fully" insert the words "establish before."

In section 2, fourth line, after the word "act" insert "by the sworn statement of one legal voter of the township in which he attempts to vote, in addition to his own sworn statement."

On motion of Mr. Wood, the whole subject was postponed and made the special order of Tuesday next at 2 o'clock, P. M.

The consideration of House Bill No. 130, entitled "An Act to extend the time for the collection of Taxes in Jefferson County," was resumed.

Mr. Scott in the chair.

On motion of Mr. Lynde, the consideration of the Bill was postponed and made the special order of Tuesday next, at 2 o'clock, P. M.

The following communication was received from the Secretary of the Territory, and read by the clerk:

SECRETARY'S OFFICE, LAWRENCE,
K. T., February 2, 1860.

To the Speaker of the House of Representatives of Kansas Territory:

SIR:—The following is a copy of a paper laid upon my table by the Sergeant-at-Arms of this House this morning:

"*Resolved*, That the Hon. Hugh S. Walsh, Secretary of the Territory, be requested to furnish to this House forthwith, a copy of all correspondence between himself, Attorney General Black and the Comptroller of the Treasury, in reference to the adjournment of the regular session from Lecompton, and the legality of the session at Lawrence

"I hereby certify that the above resolution was adopted by the House.

M. W. DELAHAY,
Chief Clerk."

"FEBRUARY 2, 1860.

It is not possible for me to reply to the above resolution as requested, for the reason that the copies of my correspondence are not here, but presuming that the object of the resolution is to obtain a knowledge of the decision of the Department, and being willing at all times to furnish to either branch of the Legislative Assembly such information as is in my power, pertaining to or in any way affecting the interest of the Territory. I have the honor to submit the following statement, with such extracts from the decision of the Comptroller, as I presume will be satisfactory to the House:

Immediately upon the adjournment of the Legislative Assembly, I forwarded to the Hon. J. S. Black, Attorney General of the United States, a copy of the resolution passed at Lecompton, relative to the adjournment, with the certificate attached, and a copy of the journal, certified to by the chief clerk of the House, showing that the aforesaid resolution passed the House by a vote of 21 to 7, and asking for information to guide my action in the premises. On the 9th day of January, I forwarded to the Hon. W. Medill, Comptroller of the Treasury, a copy of the papers forwarded to the Hon. J. S. Black, Attorney General, and raised the further point as to the power of the Legislature to enact laws at any other place than the capital.

The following extracts from a communication which I have received from the Hon. W. Medill, Comptroller of the Territory, of the 24th of January, 1860, contains the information which I presume is desired by the Legislature:

TREASURY OFFICE,
COMPTROLLER'S DEPARTMENT.

HUGH S. WALSH, Secretary of the Territory:

SIR:—Your favor of the 9th, transmitting to this office a copy of a communication which you say you addressed to the Hon. J. S. Black, Attorney General of the United States, requesting his opinion upon the action of the Legislative Assembly of this Kansas Territory, in again removing the session to Lawrence, has been received.

By the act to locate the seat of government of the Territory, is hereby located at the town of Lecompton, on the south bank of the Kansas river, opposite the mouth of Grasshopper Creek. An Act of the General Assembly of the Territory, was passed on the 11th of February, approved by Gov. Medary, providing that the Legislative Assembly of the Territory of Kansas, shall meet at the seat of government on the first Monday of January, in each year, to hold the regular session of such General Assembly as contemplated in the Organic Act.

It appears, from the papers you inclose, that the Legislative Assembly did convene, according to the foregoing Act, at Lecompton, on the second day of January, being the first Monday thereof, but that, on the fourth, a joint resolution, originating in the House of Representatives, passed both branches of the Legislature, reciting, in the preamble, that, at the seat of government, there is such a deficiency of suitable rooms, hotel accommodations, and other conveniences, as seriously to interfere with the progress of legislative business, setting forth a guarantee, certified to be sufficient, from several individuals, that no expenses whatever shall accrue to the Territory by reason of a removal to the City of Lawrence, and, resolving, that we do adjourn at 12 o'clock, M., on the 6th of January, 1860, to meet in the City of Lawrence on the 7th, at 12 o'clock, M., to hold the remainder of the session. It further appears that the Governor of said Territory vetoed the above joint resolution, and which, upon reconsideration, was subsequently adopted, and passed both branches, notwithstanding the objections of the Governor; in the House, where it originated, by a vote of 21 to 7: and, in the Council, by an affirmative vote of two-thirds of all the members elected to that body. The affirmative vote in the House, although two-thirds of a quorum and of the members present, did not, it seems, embrace two-thirds of all the members elected to and constituting that body. Upon the facts thus set forth, you ask the following questions:

"First, Is the joint resolution a law, having been passed over the objections of the Governor by two-thirds of the members present, the same constituting a quorum, but not by a vote of two-thirds of the whole House of Representatives?"

"Second, Can the Territorial Legislature enact laws at any other place than the capital?"

The Act organizing the Territory of Kansas provided that every Bill that shall have passed the Council and House of Representatives of said Territory shall, before it becomes a law, be presented to the Governor of the Territory. If he approves, he shall sign it; but if not, he shall return it, with his objections, to the house in which it originated, who shall enter the objections at large upon the Journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the Bill, it shall be sent, together with the objections of the Governor, to the other House, by which it shall likewise be reconsidered, and, if approved by two-thirds of that House, it shall become a law. But, in all such cases, the votes of both Houses shall be determined by yeas and nays, to be entered on the Journal of each House respectively.

It will be observed that this is copied from the Constitution of the United States, substituting Governor for President. Its requirements are precisely similar to those prescribed in that instrument for the government of Congress in the passage of Bills. A joint resolution, passed under the same formalities, has all the effect of a law. During the first session of the 34th Congress, an Act was passed to remove obstructions to navigation in the mouth of the Mississippi river, and was, on the 19th of May, 1856, returned by the President, with his objections, to the Senate, where it originated. On the 7th of July, 1856, the Act was again passed in the Senate, over the President's veto, by a vote of 31 yeas to 12 nays. The President *pro tem.* of the

Senate thereupon announced that more than two-thirds of the Senators present having voted for the Bill, the same has passed. This decision was appealed from, on the grounds that the Constitution requires a vote of two-thirds of the whole body. But, after an extended and most elaborate discussion, the Senate sustained the decision of the Chair by a vote of 34 yeas to 7 nays. The Bill subsequently passed the House of Representatives by the required majority, and became the law of the land. This decision of the Senate, acquiesced in by the House of Representatives, and carried into effect by the Executive Department of the Government, affords a sufficient solution, it seems to me, of the question now raised, under a precisely similar state of facts, by the Legislative Assembly of one of the Territories of the Union. All doubt as to the second question, that of the power of the Legislative Assembly of Kansas to sit for Legislative purposes at whatever place in the Territory they, by law, may determine, would seem to me precluded by the uniform practice of the place.

From the foregoing extracts, it appears, as far as the Treasury Department is concerned, that my duties are plain; and, as the object of the resolution was, as I am informed by the members, to obtain a knowledge of the decision of the Department and the instructions respecting the payment of the expenses of the session at Lawrence, I have to inform the House of Representatives, through you, that I infer that the Department considers the precedents set forth in this case, as sufficient authority to pay all the regular charges of legislation for the session of the Legislature, at whatever place held, which have not been previously contracted for; but that all extra expenses, incident to removal, must be provided for in some other manner, and that, as soon as the proper abstracts can be made out, I will be ready to pay the members and officers of the Legislative Assembly for the remainder of the regular session commenced in Lecompton, January 2, 1860, and adjourned to Lawrence on the 6th of the same month.

I am, sir, with due respect, your obedient servant,

HUGH S. WALSH,
Secretary of Kansas.

Mr. Wood presented the petition of A. P. Beach and others, of Beach Valley.

Referred to a Select Committee of three.

The Chair appointed Messrs. Sopris, Scott and Nelson as said Committee.

Messrs. Steward, Shively and Blake asked leave of absence until Tuesday next, which was granted.

Mr. Wood offered the following resolution:

Resolved, That the Joint Committee on County and Township Organization be authorized to have their report printed.

Which was adopted.

Mr. Jones asked leave of absence until Thursday next.

Leave was granted.

On motion of Mr. Brooks,

The House adjourned.

GUSTAVUS A. COLTON,
Speaker of the House of Representatives.

M. W. DELAHAY,
Chief Clerk.

MONDAY, February 6, 1860,
9 o'clock, A. M.

House called to order by the Chief Clerk, the Speaker being absent.

Roll called.

There not being a quorum, the Sergeant-at-Arms was ordered to bring in the absentees, which being done,

On motion of Mr. Rankin, Mr. Scott was chosen Speaker *pro tem.*

The reading of the Journal was dispensed with.

Messrs. Vanderslice and Reynolds asked leave of absence until Thursday next.

Leave was granted.

Mr. Wood presented the petition of L. McArthur, in relation to fees as Clerk of the District Court.

Referred to Committee on Accounts.

Mr. Chandler presented a remonstrance of John Robinson and 22 others, against the change of the county seat of Riley county.

Referred to Committee on Counties and County Lines.

Mr. Wagstaff offered the following resolution, which was adopted:

Resolved, That John Ritchie, of Shawnee county, S. B. Prentiss, of Douglas county, and Fielding Johnson, of Wyandott county, Commissioners appointed by an Act of the Legislative Assembly, approved February 10, 1859, to erect and maintain a Penitentiary for the Territory of Kansas, are hereby required to show cause why they have failed to submit their annual report to the Legislature, as required by law.

Mr. Wood, from the Judiciary Committee, submitted the following report:

Mr. Speaker:—The majority of the Judiciary Committee, to whom was referred the petition of sundry persons from Wyandott county, in reference to Guardians and Wards, have had the same under consideration, and instruct me to report the following Bill, and recommend its passage.

Which was read by title and ordered to be printed.

Also, by the same gentlemen, the following:

Mr. Speaker:—The Judiciary Committee, having had under consideration a large number of Bills, beg leave to submit the following report:

House Bill No. 220, entitled "An Act to restrain intercourse with Indians," your Committee have had under consideration, and report the same back to the House and recommend its passage.

Also, Council Bill 26, entitled "An Act to regulate the interest of Money," and report the same back, without recommendation, for the action of the House.

Also, House Bill No. 219, entitled "An Act regulating fees of the Clerks of the several District Courts in the Territory of Kansas, and other purposes," and report the same back, and recommend that it be referred to the Committee on Accounts.

Also, House Bill No. 169, entitled "An Act to establish a

Poor House in Leavenworth county, and to provide for the maintenance of the same," and report the same back, and recommend that it be printed.

Also, House Bill No. 132, "An Act to regulate the taking up and posting of Estrays," and report the same back and recommend that it be printed.

Also, House Bill No. 126, entitled "An Act providing for the permanent location of the county Seat of Douglas county," and report the same back, and recommend that it be referred to the Committee on County Seats.

Also, House Bill No. 183, entitled "An Act divorcing William V. Barr and Louisa Barr," and report the same back to the House, and recommend its passage.

Also, House Bill No. 205, entitled "An Act changing the name of Mary K. Patterson," and report the same back to the House, and recommend its passage.

Also, House Bill No. 153, entitled "An Act to divorce Sarah Ann Johnson and D. B. Johnson," and report the same back to the House and recommend its passage.

Also, House Bill No. 58, entitled "An Act to vacate part of the town site of Pottawatamie City," and report the same back to the House and recommend its passage.

Also, House Bill No. 168, entitled "An Act amendatory to an Act entitled 'An Act to restrain Dram Shops and Taverns, and regulating the sale of Intoxicating Liquors,'" and report the same back to the House and recommend its indefinite postponement.

Also, Council Bill No. 21, entitled "An Act exempting certain land from the provisions of an Act entitled 'An Act to incorporate the City of Sumner,'" and report the same back to the House and recommend its passage.

Also, House Bill No. 68, entitled "An Act to extend the time for completing a Bridge across the Wakarusa," and report the same back to the House, and recommend its passage.

Also, House Bill No. 108, entitled "An Act to amend an Act entitled 'An Act regulating the Jurisdiction and Procedure before a Justice of the Peace, and the duties of Constables in Civil Cases,'" and report the same back to the House and recommend its passage.

Also, House Bill No. 92, entitled "An Act legalizing the official acts of F. A. Hart," and report the same back to the House and recommend its passage.

Also, House Bill No. 97, entitled "An Act to provide for the issue of duplicate Territorial Warrants in certain cases," and report the same back to the House and recommend its passage.

Also, House Bill No. 3, entitled "An Act providing for the process of Garnisheement and other remedies, in certain cases," and report the same back to the House and recommend that it be printed.

Also, House Bill No. 148, entitled "An Act authorizing the collection of Toll on the Bridge crossing the Wakarusa, on the Territorial road from Lawrence to Emporia," and report the same back without amendment and recommend its passage.

Also, Council Bill No. 65, entitled "An Act to incorporate the Junction City Cemetery," and report the same back to the House and recommend its passage.

Also, House Bill No. 32, "An Act supplemental to an Act entitled 'An Act to incorporate the town of Bloomington," and report the same back to the House, without amendment, and recommend its passage.

Also, House Bill No. 10, entitled "An Act to prevent the firing of Prairies, Marshes and Woodlands," and report the same back, without recommendation, for the action of the House.

Also, Council Bill No. 42, entitled "An Act to change the time of holding the spring term of the District Court in Douglas county," and report the same back to the House and recommend its passage.

Also, Council Bill No. 50, entitled "An Act legalizing the acts of George Smith, Justice of the Peace of Franklin township, Jackson county, and report the same back, without amendment, and recommend its passage.

Also, Council Bill No. 11, entitled "An Act to amend 'An Act to provide for the locating and working of Highways,"' and report the same back and recommend that it be printed.

Also, Council Bill No. 54, entitled "An Act to prevent the firing of Woods, Marshes and Prairies," and report the same back, without amendment, and recommend its passage.

Also, your Committee have had under consideration House Bill No. 151, entitled "An Act to authorize the Tribunal transacting county business, for the county of Johnson, to issue Bonds," and report the same back and recommend its passage.

Also, House Bill No. 142, entitled "An Act to restrain Dramshops and Taverns and regulate the sale of Intoxicating Liquors," and report the same back to the House and recommend its passage.

S. N. WOOD, Chairman.

The report was accepted.

On motion of Mr. Wood, the Bills as recommended by the Committee, were ordered to be printed.

Mr. Brooks, from Committee on Incorporations and Banking, submitted the following reports:

The Committee on Incorporations and Banking having had under consideration House Bill No. 115, entitled "An Act to incorporate the Palermo Coal Mining Company."

Also, Council Bill No. 34, entitled "An Act to incorporate the St. John's Town Company."

Also, Council Bill No. 20, entitled "An Act to incorporate the Washington Lodge, No. 5, of Free and Accepted Masons."

Also, House Bill No. 90, entitled "An Act to charter a Ferry across the Kansas river, at the town of St. George, in Pottawattamie county."

Also, House Bill No. 84, entitled "An Act to incorporate the Stanton University," report the same, without amendment, and recommend their passage.

P. R. BROOKS, Chairman.

The Committee on Incorporations and Banking having had under consideration Council Bill No. 40, entitled "An Act to incorporate the city of Troy," report the same and recommend its passage, with the following amendment:

Add the following section: "At all the elections held under the provisions of this Act, the qualifications of voters shall be the same as provided by law for the election of members of the Legislature."

Also, Council Bill No. 24, entitled "An Act authorizing S. O. Hemenway and others to build a Bridge," report the same, with the following amendments, and recommend its passage:

In section 1, strike out the words "twenty one" and insert the word "ten."

In section 2, strike out the word "four" and insert the word "two."

The Committee on Corporations having had under consideration Council Bill No. 28, entitled "An Act incorporating the Sopris City Town Company," report the same and recommend its passage, with the following amendment:

In section 2, strike out the words "six hundred and forty" and insert the words "three hundred and twenty."

Also, House Bill No. 110, entitled "An Act to incorporate a Ferry at Manhattan," report the same and recommend its passage, with the following amendment:

In section 1, strike out the word "fifteen" and insert the word "five."

Also, House Bill No. 114, report the same and recommend its indefinite postponement.

Also, House Bill No. 111, entitled "An Act to incorporate a Ferry at the city of Ogden," beg leave to report the same and recommend its passage, with the following amendment:

In section 1, strike out the word "fifteen" and insert "five."

Also, House Bill No. 116, entitled "An Act to incorporate the Smithton Lodge, No. 1, of Ancient Free and Accepted Masons," and recommend its passage, with the following amendment:

Strike out section 2.

Also, House Bill No. 120, entitled "An Act to establish a Toll Bridge across the Platte river," report the same and recommend its passage, with the following amendments:

In section 1, strike out the word "twenty" and insert "five."

Strike out section 3, and insert the following: Section 3. The rates of toll for crossing said bridge shall be regulated by the tribunal transacting county business in the county of Arrapahoe.

Also, House Bill No. 121, entitled "An Act to incorporate the Wyandott Lodge, No. 3, of Ancient Free and Accepted York Masons," report the same, with the following amendments:

Strike out the word "York" wherever it occurs in the Bill.

Strike out section 2, and recommend its passage.

Also, House Bill No. 90, entitled "An Act to amend an act entitled 'An Act to incorporate the city of Quindaro," report the same and recommend its reference to the Committee on Phraseology.

Also, House Bill No. 88, entitled "An Act to incorporate the Dayton Town Company," report the same and recommend its passage, with the following amendments:

In section 2, strike out the words "six hundred and forty" and insert "three hundred and twenty."

Strike out section 3.

Also, House Bill No. 94, entitled "An Act to incorporate the Ottumwa College Association," report the same and recommend its passage without amendment.

Also, House Bill No. 37, entitled "An Act to incorporate the Denver, Auraria and Colorado Wagon Road Company," report the same and recommend its passage, with the following amendments:

Strike out section 9, and insert the following: Section 9. The rates of Toll of said road shall be fixed and regulated by the Tribunal transacting county business in said county of Arrapahoe.

P. R. BROOKS,
Chairman.

The report was accepted.

Mr. Wagstaff introduced House Bill No. 225, entitled "An Act to incorporate the University of Paola."

Also, House Bill No. 226, entitled "An Act to incorporate the Paola Mercantile Library and Literary Association."

Mr. Chandler introduced House Bill No. 227, entitled "An Act to incorporate the Blue River Bridge Company."

Mr. Sims, from the Committee on Enrolled Bills, submitted the following report:

Mr. Speaker:—The Committee on Enrolled Bills, having examined House Bill No. 75, entitled "An Act incorporating Neosho Lodge of Ancient Free and Accepted Masons," and find the same correctly enrolled.

CHARLES SIMS,
Chairman.

Mr. Wood moved to suspend the rules, that all Bills introduced might be read a second time and referred.

Carried.

Mr. Sims, from Committee on Enrolled Bills, submitted the following report:

Mr. Speaker:—House Bill No. 71, entitled "An Act for the relief of John Kendall," is truly enrolled.

CHARLES SIMS,
Chairman.

Mr. Noel presented a petition of Melinda E. Crawford for a Divorce.

Referred to Committee on Judiciary.

House Bill No. 158, entitled "An Act legalizing the acts of F. M. Stumbo," was taken up.

Rules suspended,

Read a third time, and

Passed.

The title was agreed to.

Mr. Chandler presented an additional remonstrance from citizens of Riley county, against any change of the county seat of said county.

Referred to Committee on Counties and County Lines.

Mr. Sims offered the following resolution, which was adopted:

***Resolved*, That the Committee of Ways and Means be further instructed to provide in the Revenue Bill, which they prepare, that improvements on lands outside of towns and cities shall not be considered in assessing the value of such lands, but only the land in its natural state to be taxed.**

Mr. Morton presented a petition of Holland Wheeler, for relief for services rendered.

Referred to Select Committee of three, consisting of Messrs. Morton, Lindsay and Chandler.

Mr. Wood offered the following resolution, which was read,

Rules suspended and

Read a second time, and

Adopted:

WHEREAS, The General Government has made liberal appropriations of money, for the construction of public buildings at the seat of Government, in Kansas Territory;

WHEREAS, There are no such buildings erected, and no public information has been given by which the people of the Territory have been informed of the manner in which such appropriations have been expended; therefore,

Resolved, By the House of Representatives, the Council concurring, that a Committee, of two members on the part of the House, together with one on part of the Council, be and the same are hereby appointed, for the purpose of making diligent inquiry into the amount of said appropriation, the manner of its disbursment, and the present condition of the incomplete public buildings at Lecompton, with power to send for persons or papers; said Committee to report, by Bill or otherwise, at as early a day as possible, to their respective Bodies; and, furthermore, that the Governor, Secretary, Auditor, Treasurer and all other Federal and Territorial officers, be earnestly requested to aid said Committee in obtaining all the information within their power, touching said appropriations.

The Speaker appointed as said Committee, Messrs. Wood and Sims.

Mr. Vanderslice introduced House Bill No. 221, entitled "An Act to restrain intercourse with Indians."

Referred to Committee on Judiciary.

Mr. Wood introduced House Bill No. 222, entitled "An Act to amend an Act therein named."

Referred to Committee on Judiciary.

Mr. Parks introduced House Bill No. 223, entitled "An Act to repeal all that portion of an Act entitled 'An Act to establish a Code of Civil Procedure,'" approved Feb. 11th, 1859, relating to executions against the person.

Referred to Committee on Judiciary.

Mr. Wood introduced House Bill No. 224, entitled "An Act amending an Act entitled 'An Act regulating the Jurisdiction and Procedure before Justices of the Peace, and of the duties of Constables in Civil Cases.'" Approved Feb. 8, 1859.

Referred to Committee on Judiciary.

Mr. Wagstaff introduced House Bill No. 225, entitled "An Act to incorporate the University of Paola."

Referred to Committee on Incorporations.

Also, House Bill No. 226, entitled "An Act to incorporate the Paola Mercantile Library and Literary Association."

Referred to Committee on Incorporations.

Mr. Chandler introduced House Bill No. 227, entitled "An Act to incorporate the Blue River Bridge Company."

Referred to Committee on Incorporations.

Mr. Noel introduced House Bill No. 228, entitled "An Act to regulate Voluntary Assignments."

Referred to Committee on Judiciary.

Mr. Wood introduced House Bill No. 229, entitled "An Act to incorporate the Council Grove Building Association."

Referred to Committee on Incorporations.

Mr. Dutton introduced House Bill No. 230, entitled "An Act divorcing Peter Lenker and Sarah L. Lenker."

Referred to Committee on Judiciary.

Mr. Wood introduced House Bill No. 231, entitled "An Act concerning Divorce and Alimony."

Read a second time, and

Ordered to be printed.

Also, House Bill No. 232, entitled "An Act regulating the hours of Manual Labor."

Referred to Committee on Agriculture and Manufactures.

Mr. Wood introduced House Bill No. 233, entitled "An Act to amend an Act entitled 'An Act to provide for the organization, supervision and maintenance of Common Schools,'" approved Feb. 11th, 1859.

Referred to Committee on Education.

Mr. Wood introduced House Bill No. 234, entitled "An Act to incorporate the Neosho Falls Cemetery Association."

Referred to Committee on Incorporations.

Mr. Wood introduced House Bill No. 235, entitled "An Act to authorize William Butz and others to build a bridge across the Pawnee Fork of the Arkansas."

Referred to Committee on Incorportions.

Also, House Bill No. 236, entitled "An Act to incorporate the London Town Company."

Referred to Committee on Incorporations.

Also, House Bill No. 237, entitled "An Act to incorporate the Arkansas Bridge and Ferry Company."

Referred to Committee on Incorporations.

Also, House Bill No. 238, entitled "An Act to establish Peketon county."

Referred to Committee on Counties, County Lines and County Seats.

Also, House Bill No. 239, entitled "An Act to incorporate the Walnut Creek Bridge Company."

Referred to Committee on Incorporations.

Also, House Bill No. 240, entitled "An Act authorizing T. S. Huffaker and others to construct a Toll Bridge across the Neosho river at Council Grove."

Referred to Committee on Incorporations.

Also, House Bill No. 241, entitled "An Act authorizing Ira E. Moore and others to construct a Toll Bridge across the Cottonwood River."

Referred to Committee on Incorporations.

Also, House Bill No. 242, entitled "An Act to incorporate the Beach Valley Town Company."

Referred to Committee on Incorporations.

Also, House Bill No. 243, entitled "An Act to incorporate the Margaretta Town Company."

Referred to Committee on Incorporations.

Also, House Bill No. 244, entitled "An Act declaring the Santa Fe Road a Territorial Road."

Referred to Committee on Roads and Highways.

Also, House Bill No. 245, entitled "An Act for the relief of Asahel Beach and others."

Referred to Committee on Incorporations.

Also, House Bill No. 246, entitled "An Act regulating the Writ *Ad Quad Damnum.*"

Referred to Committee on Judiciary.

Also, House Bill No. 247, entitled "An Act to incorporate the Kansas Telegraph Company."

Referred to Committee on Incorporations.

Mr. Parks introduced House Bill No. 248, entitled "An Act to incorporate the First Methodist Episcopal Church of Leavenworth."

Referred to Committee on Incorporations.

Also, House Bill No. 249, entitled "An Act to establish a Ferry across the Missouri River, at the Town of Kickapoo."

Referred to Committee on Incorporations.

Mr. Pierce introduced House Bill No. 250, entitled "An Act to establish a Ferry across the Big Blue River."

Referred to Committee on Incorporations.

Mr. Knowles introduced House Bill No. 251, entitled "An Act to protect Settlers on Public Lands."

Referred to Committee on Judiciary.

Mr. Wood introduced House Bill No. 252, entitled "An Act divorcing Lois H. Brown and G. W. Brown."

Referred to Committee on Judiciary.

Reported back, its passage recommended with amendments.

Read a third time and

Passed.

Also, House Bill No. 253, a substitute for House Bill No. 46.

Laid on the table and ordered to be printed.

Mr. Chandler introduced House Bill No. 254, entitled "An Act to regulate the Taxes in Riley County."

Read a first time.

Rules suspended.

Read a second time and ordered to be printed.

On motion of Mr. Sims,

The House adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

Journal of Friday read and approved.

Mr. Scott moved that the House concur in the Council amendments to House Bill No. 49.

Carried.

Mr. Parks presented a petition of J. M. Calvert and 74 others, for a Ferry Charter at Kickapoo.

Referred to Committee on Corporations.

House Bill No. 46, entitled "An Act to prohibit Free Negroes from coming into this Territory,"

It being the special order, was taken up.

Mr. Wood presented a substitute to the Bill, and

On motion of Mr. Parks,

The whole subject was postponed and made the special order of Wednesday, 2 o'clock, P. M.

Mr. Brooks from Committee on incorporations, submitted the following report:

The Committee on Incorporations and Banking, having had under consideration House Bill No. 214, entitled "An Act to amend an Act to establish and charter a Ferry at the City of Elwood, and revising and repealing all former charters and parts of charters relating to such Ferry," report the same back and recommend its passage.

Also, House Bill No. 136, entitled "An Act to incorporate the North Western Mining Company," report the same back with amendments and recommend its passage.

Strike out section 2.

Add to section 7 the following words: "and shall continue in force for the term of ten years from said passage."

P. R. BROOKS, Chairman.

Mr. Bartlett, from the Committee on Elections, submitted the following report:

Mr. Speaker:—The Committee on Elections, to whom was referred House Bill No. 211, entitled "An Act to amend an Act entitled 'An Act regulating Elections,'" approved February 4, 1859, have had the same under consideration and report the Bill back with certain amendments.

In section 1, after the word person, in the last part of the third line, insert "known or."

In section 2, after the word "all" in the fourth line, insert "except those whom he knows not to be actual residents."

In section 3, after the word "voter," in the ninth line, insert "of the precinct in which the vote is offered."

In section 4, strike out all after the word "add" in the 1st line, and insert "provided that the judges of election may, if they see fit, take a recess from 12 o'clock, M., to 1 o'clock, P. M."

A. BARTLETT, Chairman.

On motion of Mr. Parks, House Bill No. 136, entitled "An Act to incorporate the North Western Mining Company," was taken up.

The amendments as recommended by the Committee on Corporations was agreed to.

Bill read a third time and

Passed.

The title was agreed to.

House Bill No. 214, entitled "An Act to charter a Ferry at the City of Elwood," was taken up.

Read a third time and

Passed.

The title was agreed to.

On motion of Mr. Wood, the Bills on the calendar were taken up in their order.

House Bill No. 106, entitled "An Act to create a Lien in favor of Mechanics and others," was taken up.

Laid on the table and ordered to be printed.

House Bill No. 104, entitled "An Act authorizing the transcribing of Deeds for Wabaunsee County," was taken up, and

Read a third time and

Passed.

The title was agreed to.

Mr. Sims, from Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER:—The Committee on Enrolled Bills, having examined House Bill No. 161, entitled "An Act divorcing Amon G. Da Lee and Clarinda E. Da Lee."

Also, House Bill No. 5, entitled "An Act to incorporate the Iola Town Company," find the same correctly enrolled.

Mr. Wood offered the following resolution:

Resolved, That the Hon. A. G. Patrick and the Hon. J. A. Mann be invited to seats within the bar of this House, and that the Sergeant-at-Arms furnish them with seats.

Mr. Wood offered the following resolution, which was adopted:

Resolved, That the Hon. A. I. Baker and Sheriff Goddard of Breckenridge county, be invited to seats within the bar of this House.

House Bill No. 130, entitled "An Act to incorporate the Elwood Building Association," was taken up.

On motion of Mr. Wood, section 10 in the Bill was stricken out.

Rules suspended.

Read a third time and

Passed.

The title was agreed to.

Council Bill No. 43, entitled "An Act for the relief of Jane Cotter," was taken up.

Rules suspended, and

Read a third time.

And being upon its final passage, the vote resulted in:

Yeas—11. Nays—9.

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Dutton, Lombard, Noel, Robertson, Sims, Scott, Sopris, Whitehead and Wood.

Those voting in the negative were

Messrs, Chandler, Cave, Knowles, Lynde, Lindsay, Morton, Pierce, Rankin and Wagstaff.

So the Bill passed, and

The title was agreed to.

House Bill No. 129, entitled "An Act establishing Highways in the county of Brown," was taken up.

Read a third time, and

Passed.

The title was agreed to.

Council Bill No. 36, entitled "An Act divorcing Sarah Jane Morton and William A. Morton," was taken up.

Read a third time, and

Passed.

The title was agreed to.

Council Bill No. 31, entitled "An Act divorcing Letta A. McLaughlin and Henry McLaughlin," was taken up, and

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 41, entitled "An Act changing the lines of Chase county," was taken up, and

Read a third time.

Mr. Wagstaff moved that the Bill be postponed and made the special order of Friday next, at 2 o'clock, P. M.

Upon which the yeas and nays were demanded with the following result:

Yeas—15. Nays—8.

Those voting in the affirmative were

Messrs. Blake, Brooks, Cave, Dutton, Knowles, Lombard, Lindsay, Noel, Parks, Robertson, Rankin, Sims, Scott, Whitehead and Wagstaff.

Those voting in the negative were

Messrs. Bartlett, Chandler, Lynde, McMath, Morton, Pierce, Sopris and Wood.

So the motion to postpone the Bill prevailed.

Mr. Wood, from the Judiciary Committee, submitted the following report:

MR. SPEAKER:—The Committee on Judiciary, to whom was referred House Bill No. 252, entitled "An Act divorcing Lois H. Brown and G. W. Brown," have had the same under consideration and instruct me to report it back and recommend its passage, with the following amendment:

Amend by adding to section 2, as follows: "But she shall have the same power to enforce her marital rights in his estate, in the proper court, as if this Act had not passed; unless said G. W. Brown, after the passage of this Act, shall, in due form, assign and convey to her such part of his estate as she may be willing to accept, in full discharge of her alimony and dower right."

On motion of Mr. Wood, House Bill No. 252, entitled "An Act divorcing Lois H. Brown and G. W. Brown," was taken up.

Mr. Parks moved that the evidence in the case be read.

Mr. Wood moved to lay the motion upon the table.

Upon which the yeas and nays were demanded, resulting in:

Yeas—10. Nays—13.

Those voting in the affirmative were

Messrs. Bartlett, Chandler, Lombard, Lynde, Morton, Noel, Robertson, Sims, Sopris and Wood.

Those voting in the negative were

Messrs. Blake, Brooks, Cave, Dutton, Knowles, Lindsay, McMath, Parks, Pierce, Rankin, Scott, Whitehead and Wagstaff.

So the motion to lay upon the table was lost.

Mr. Parks withdrew the motion calling for the reading of the evidence.

And the Bill having been read a third time, was

Passed.

The title was agreed to.

Mr. Brooks, from Committee on Corporations, submitted the following report:

The Committee on Incorporations and Banking, having had House Bill No. 140 under consideration, report the same back and recommend its passage, with amendments:

After section 2, insert "Section 3. Said company shall be liable to all persons through whose land said canals and ditches may be cut, for damages, to be assessed by a jury of six disinterested householders of the neighborhood."

After the above insert "Section 4. The rates for letting and using said water shall be fixed and regulated by the tribunal transacting county business in said county of Arrapahoe."

After the above insert "Section 5. A failure to commence said work within one year, and to complete the same within two years from the passage of this Act, shall make a forfeiture of this charter."

Change section 5 to section 6, and section 6 to section 7.

P. R. BROOKS, Chairman.

The report of the Committee was agreed to.

House Bill No. 140, entitled "An Act to incorporate the Capital Hydraulic Company," was taken up.

Read a third time, and

Passed.

The title was agreed to.

Mr. Lindsay introduced the following resolution, which was agreed to:

Resolved, That the Hon. Judge William McKay be invited to a seat within the bar of this House.

Message from the Council:

Mr. Speaker:—I am directed to notify the House that the Council have passed House Bill No. 79, entitled "An Act to provide for the location of the seat of justice of Breckenridge county," with the following amendment, in which your concurrence is desired:

"Section 8. The temporary seat of justice is hereby located at Emporia, in said county of Breckenridge, until otherwise located, as provided in the foregoing section of this Act."

Also, House Bill No. 214, entitled "An Act to amend an Act to establish and charter a ferry at the City of Elwood," without amendment.

Also, Council bill No. 49, entitled "An Act to authorize Doniphan county to issue bonds."

Your concurrence is desired.

JOHN J. INGALLS,
Secretary.

Message from the Council:

Mr. Speaker:—I am directed to notify the House that the Council have passed House Bill No. 7, entitled "An Act establishing a ferry at Le Roy, Coffey county."

Also, House Bill No. 69, entitled "An Act incorporating Lawrence Lodge of Ancient Free and Accepted Masons."

House Bill No. 23, entitled "An Act to provide for the permanent location of the county seat of Washington county," without amendment.

Council Bill No. 85, entitled "An Act to charter a ferry over Arkansas river."

Council Bill No. 81, entitled "An Act to regulate Criminal Procedure before Justices of the Peace and other inferior tribunals."

Council Bill No. 78, entitled "An Act to organize the county of Neosho."

Council Bill No. 77, entitled "An Act regulating verification of pleadings."

Council Bill No. 71, entitled "An Act to change the name of Whitehead Town Company, and to provide for the collection of taxes."

Council Bill No. 61, entitled "An Act to incorporate the Irving Town Company."

Council Bill No. 62, entitled "An Act to incorporate the town of Irving."

Council Bill No. 82, entitled "An Act relating to executions returned not satisfied."

Council Bill No. 57, entitled "An Act to establish a ferry across the Marais des Cygnes."

Council Bill No. 94, entitled "An Act to amend an Act entitled 'An Act to incorporate the Leavenworth, Lawrence and Fort Gibson Railroad Company.'"

Your concurrence is invited.

JOHN J. INGALLS,
Secretary.

On motion of Mr. Sims,

The House adjourned.

GUSTAVUS A. COLTON,
Speaker of the House of Representatives.

M. W. DELAHAY,
Chief Clerk.

TUESDAY, February 7, 1860,
9 o'clock, A. M.

House called to order by the Speaker *pro tem.*

Prayer by the Rev. Mr. Cordley.

Roll called.

Absent, Messrs. Brown, Brooks, Cornwell, Elliott, Nelson, Reynolds, Jones, Shively, Sims, Vanderslice, Wright, Wagstaff, Murphy, Wood, Whitehead and Mr. Speaker.

Not being a quorum present, the Sergeant-at-Arms was directed to bring in absentees.

The Sergeant-at-Arms returned with Messrs. Wood and Whitehead.

A quorum being present,

On motion of Mr. Lombard, the further proceedings under the call were dispensed with.

The Journal of yesterday was read and approved.

Mr. Fitzpatrick presented a petition of F. L. Crane and 378 others, for a change in the lines of Osage, Shawnee and Jackson counties.

Referred to Committee on County Lines.

Mr. Knowles presented a petition of Allen Taylor and 58 others, praying for a location of a Territorial Road from Brownsville to Pleasant Grove.

Referred to Committee on Roads and Highways.

Mr. McMath offered the following resolution, which was adopted:

Resolved, That the Standing Committees of this House be required to report on all Bills of a general nature, which are now in their possession, by Monday next.

Mr. Blake offered the following resolution, which was adopted:

Resolved, That the Hon. J. L. Speer, of Jefferson county, be invited to a seat within the bar of this House.

Mr. Pierce presented the petition of Samuel Loomis and others, relative to a ferry across the Big Blue river.

Referred to Committee on Roads and Highways.

Mr. Wood, from the Judiciary Committee, submitted the following report:

Mr. Speaker:—The Judiciary Committee, to whom was referred House Bill No. 127, entitled "An Act changing the name of Isabella Vaughn to that of Isabella Bowers," have had the same under consideration, and instruct me to report the following substitute, and recommend its passage.

S. N. WOOD, Chairman.

Mr. Lindsay, from the Committee on County Lines, submitted the following report:

The Committee on County Lines and County Seats, to whom was referred House Bill No. 140, entitled "An Act to provide for the organization of the county of McGee, and to change the name of that to Cherokee," report the same back and recommend its passage.

THOMAS LINDSAY, Chairman.

Mr. Sims, from the Committee on Enrolled Bills, submitted the following report:

Mr. Speaker:—The Committee on Enrolled Bills having examined House Bill No. 94, entitled "An Act to facilitate the pursuit of Practical Anatomy."

Also, House Bill No. 12, entitled "An Act to incorporate the Town of Stanton," find the same correctly enrolled.

CHARLES SIMS, Chairman.

Mr. Parks moved that the Bills on first reading be read a second time and referred to their appropriate committees.

Carried.

Council Bill No. 81,

Referred to Committee on Judiciary.

Council Bill No. 77,

Referred to Committee on Judiciary.

Council Bill No. 82,

Referred to Committee on Judiciary.

Council Bill No. 78,

Referred to Committee on County Lines.

Council Bill No. 94,

Referred to Committee on Incorporations.

Council Bill No. 49,

Referred to Committee on Judiciary.

Council Bill No. 71,

Referred to Committee on Judiciary.

Council Bill No. 61,

Referred to Committee on Incorporations.

Council Bill No. 62,

Referred to Committee on Incorporations.

Council Bill No. 85,

Referred to Committee on Incorporations.

Council Bill No. 57,

Referred to Committee on Incorporations.

House Bill No. 79, entitled "An Act to provide for the location of the county seat of Breckenridge county," was taken up.

Mr. Blake moved that the Bill be postponed, and made the special order of Saturday next at 10 o'clock.

Mr. Wood moved to lay the motion to postpone upon the table.

Upon which the yeas and nays were demanded with the following result:

Yeas—11. Nays—17.

Those voting in the affirmative were

Messrs. Brooks, Canniff, Dutton, Heath, Knowles, Lindsay, McMath, Morton, Sheldon, Scott and Wood.

Those voting in the negative were

Messrs. Blake, Bartlett, Chandler, Cave, Fitzpatrick, Lombard, Lynde, Noel, Parks, Pierce, Robertson, Rankin, Steward, Sims, Sopris, Whitehead and Wagstaff.

So the motion to lay upon the table was lost.

Mr. Bartlett moved to lay the whole subject upon the table.

Carried.

Mr. Bartlett presented a petition of 35 registered voters of Wabaunsee and Breckenridge counties, praying for the formation of a new county.

Referred to the Committee on Counties.

Mr. Bartlett offered the following resolution, which was adopted:

Resolved, That Mr. Sims be added to the Committee on Mail Routes.

Mr. McMath, from Joint Committee of both Houses, submitted the following report:

The Joint Committee of the two Houses, to whom were referred House Bill No. 175, entitled "An Act relating to Counties and County Officers," and also, House Bill No. 204, upon the same subject, report that they have had the same under consideration, and report back to the House the accompanying Bill, and recommend the passage of the same.

W. L. McMATH, Chairman.

The Committee on Corporations and Banking, having had under consideration House Bill No. 150, entitled "An Act chartering a ferry across the Missouri river at a point opposite Forest City, Mo."

Also, House Bill No. 184, entitled "An Act supplemental to an Act entitled 'An Act incorporating Topeka Cemetery Association,'" approved February 2d, 1859.

Also, House Bill No. 202, entitled "An Act to incorporate the Mount Prospect Cemetery, near Denver City, Arrapahoe county," report the same, and recommend their reference to the Committee on Phraseology.

P. R. BROOKS, Chairman.

The Committee on Incorporations, having had under consideration House Bill No. 137, entitled "An Act to incorporate the Town of Saratoga," report the same and recommend its passage, with the following amendments, to wit:

In section 2, strike out the words "six hundred and forty," and insert the words "three hundred and twenty."

Strike out section 5, and insert the following: "Section 5. This Act to take effect and be in force from and after its passage."

P. R. BROOKS, Chairman.

The Committee on Incorporations and Banking, having had under consideration House Bill No. 135, entitled "An Act to incorporate the Arrapahoe County Improvement Association," report the same, without amendment, and recommend its passage.

P. R. BROOKS, Chairman.

The Committee on Incorporations, having had under consideration House Bill No. 125, entitled "An Act to incorporate the Denver City and Beaver Creek Wagon Road and Bridge Company," report the same without amendment, and recommend its passage.

P. R. BROOKS, Chairman.

The Committee on Incorporations and Banking, having had under consideration House Bill No. 147, entitled "An Act to incorporate the City of Burlingame."

Also, House Bill No. 190, "An Act to incorporate Olathe Lodge, No. 19, of Ancient Free and Accepted Masons," report the same, without amendment, and recommend their passage.

P. R. BROOKS,
Chairman of Committee.

The report was received and agreed to.

Mr. Sims, from Committee on Enrolled Bills, submitted the following report:

Mr. Speaker:—House Bill No. 29, entitled "An Act to incorporate the Fremont Town Company," is truly enrolled.

C. SIMS, Chairman.

Message from the Council:

Mr. Speaker:—I am directed to notify the House that the Council have concurred in House Concurrent Resolution, No. 14, in reference to Public Buildings at Lecompton.

Committee on the part of the Council, Mr. Elder.

JOHN J. INGALLS,
Secretary.

On motion of Mr. Wood, the House resolved itself into a Committee of the Whole upon the consideration of the Bill relating to Counties and County Officers, as reported by the Joint Committee.

Mr. Wood in the Chair.

After some time spent therein, the Committee arose, and, through their chairman, reported progress, and asked leave to sit again.

The report was agreed to, and leave to sit again was granted.

On motion of Mr. Parks,

The House adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

Mr. Heath, from the Committee to whom was referred House Bill No. 158, submitted the following report:

MR. SPEAKER:—The Committee to whom was referred House Bill No. 158, beg leave to report that they have had the same under consideration, and report it back, without amendment, and recommend its passage.

ERASTUS HEATH.

Mr. Wood moved a call of the House.

The call was ordered.

On motion of Mr. Bartlett, two special messengers were appointed to bring in absentees.

The Speaker appointed as said messengers Mr. Wood and the Sergeant-at-Arms.

Absent members, Messrs. Brown, Blake, Chandler, Knowles, Nelson, Parks, Rankin, Sims and Wright.

The messengers returned with Messrs. Knowles, Rankin, Chandler and Sims.

On motion of Mr. Brooks, said members were fined 25 cents each.

On motion of Mr. Scott, the members were discharged from custody, and further proceedings under the call dispensed with.

On motion of Mr. Wood, the House resolved itself into a Committee of the Whole, for the consideration of the Bill reported by the Joint Committee of both Houses, "An Act relating to County and County Officers."

Mr. Wood in the Chair.

Message from the Governor:

EXECUTIVE OFFICE, K. T.,
Feb. 7, 1860.

To the Speaker of the House of Representatives :

I have this day approved House Bill, entitled "An Act for the relief of John Kendall." Respectfully,

S. MEDARY.

Message from the Council:

MR. SPEAKER:—I am directed to notify the House that the Council have passed Council Bills No. 46, "An Act for the payment of costs in certain cases, and for other purposes."

Council Bill No. 12, "An Act to regulate chattel mortgages and bills of sale of personal property."

Council Bill No. 75, "An Act for the relief of Frank W. Roberts."

Council Bill No. 80, "An Act to establish a term of the District Court in Davis county, and to fix the time of holding District Courts in other counties."

Council Bill No. 86, "An Act amendatory to an Act entitled 'An Act defining the Judicial Districts of the Territory,'" &c.

Your concurrence is desired.

JOHN J. INGALLS,
Secretary.

After some time spent in the Committee of the Whole,

The Committee arose and through their chairman reported the Bill back for the consideration of the House.

Message from the Council:

MR. SPEAKER:—I am directed to notify the House that the Council have passed House Bill No. 123, entitled "An Act divorcing Lucinda F. Gee," without amendments.

The report of the Board of Commissioners to examine into the condition of the Kansas Valley Bank, which was made to the Council on the 3d, by the Chairman of the Board, is herewith submitted.

JOHN J. INGALLS,
Secretary.

On motion of Mr. Sims, the Bill was made the special order of two o'clock to-morrow.

House Bill No. 172, entitled "An Act to amend an Act entitled 'An Act regulating Elections,'" was taken up, and

On motion of Mr. Wood, was postponed, and made the special order of Thursday next, at 2 o'clock, P. M.

On motion of Mr. Wood, all Bills on second reading were taken up, and

Read a second time.

House Bill No. 79,

Read a second time and laid over.

Council Bill No. 28,

Read and laid over.

House Bill No. 37,

Read and laid over.

House Bill No. 115,

Read and laid over.

Council Bill No. 20,

Read and laid over.

Council Bill No. 34,

Read and laid over.

House Bill No. 90,

Read and laid over,

House Bill No. 84,

Read and laid over.

Council Bill No. 40,

Read and laid over.

Council Bill No. 24,

Referred to a Select Committee of three, consisting of Messrs. Wood, Sheldon and Sopris.

House Bill No. 121,

Read and laid over.

House Bill No. 120,

Read and laid over.

House Bill No. 111,

Read and laid over.

House Bill No. 114,

Read and laid over.

House Bill No. 110,

Read and laid over.

House Bill No. 116,

Read and laid over.

House Bill No. 88,

Read and laid over.

On motion of Mr. Wood, the rules were suspended, and

House Bill No. 96, read a third time, entitled "An Act incorporating the City of Quindaro."

The Bill was then passed.

The title was agreed to.

On motion of Mr. Bartlett, House Bill No. 211, entitled "An Act to amend an Act entitled 'An Act regulating Elections,'" was ordered to be printed with the amendments as recommended by the Committee on Elections.

Committee on Judiciary introduced House Bill No. 255, entitled "An Act in relation to Isabella Vaughn," as substituted for House Bill No. 127.

Mr. Bartlett introduced House Bill No. 256, entitled "An Act to amend an Act entitled 'An Act regulating the jurisdiction and procedure before Justices of the Peace and the duties of Constables.'"

Referred to the Committee on Judiciary.

Mr. Blake introduced House Bill No. 257, entitled "An Act to incorporate Grasshopper Falls Lodge No. 21, of Ancient Free and Accepted Masons."

Referred to Committee on Incorporations.

Mr. Heath introduced House Bill No. 258, entitled "An Act making an additional appropriation for the expense of the Wyandott Constitutional Convention."

Referred to Committee on Ways and Means.

Joint Committee introduced House Bill No. 259, entitled "An Act regulating Counties and County Officers."

Also, House Bill No. 260, "An Act repealing an Act entitled 'An Act to establish the office of Land District Recorder.'"

Mr. Scott introduced House Bill No. 261, "An Act to incorporate the Carlyle Town Company."

Referred to the Committee on Incorporations.

Mr. Brooks introduced House Bill No. 262, "An Act amendatory to an Act entitled 'An Act providing for the appointment of Territorial Auditor, and prescribing the duties of his office.'"

Mr. Scott introduced House Bill No. 263, "An Act making an Appropriation for the benefit of the Scientific and Historical Society of Kansas."

Mr. Chandler introduced House Bill No. 264, "An Act to provide for a Justice of the Peace, in and for the City of Ogden."

Referred to Committee on Judiciary.

On motion of Mr. Brooks,

The House adjourned.

GUSTAVUS A. COLTON,
Speaker of the House of Representatives.

M. W. DELAHAY,
Chief Clerk.

WEDNESDAY, February 8, 1860,
9 o'clock, A. M.

House called to order by the Speaker *pro tem.*

Roll called.

Not being a quorum present, the Sergeant-at-Arms was directed to bring in the absentees, which were

Messrs. Brooks, Blake, Bartlett, Cornwell, Canniff, Fitzpatrick, Heath, Jones, Murphy, Morton, Nelson, Parks, Rankin, Reynolds, Sims, Sheldon, Shively, Wagstaff, Vanderslice and Mr. Speaker, which being done,

Further proceedings under the call were dispensed with.

Journal of yesterday was read and approved.

On motion of Mr. Pierce, the petition introduced by him, in relation to a ferry across the Big Blue River, was withdrawn from the hands of the Committee on Roads and Highways, and

Referred to the Committee on Incorporations and Banking.

Mr. Elliott presented the petition of C. V. Eskridge and 100 others, praying that a provision for a new assessment of county taxes for the year 1859 be made.

Referred to Committee on Judiciary.

Also, a remonstrance of Richard Miller and others, against the formation of a new county out of a portion of Breckenridge and Wabaunsee counties; also, a remonstrance of N. N. Watkins and others, for the same; also, a remonstrance of W. Grimsly and others, for the same, all of which were

Referred to Committee on Counties and County Lines.

Mr. Scott presented the petition of citizens of Breckenridge county for a Territorial road.

Referred to Committee on Roads and Highways.

Mr. Wood offered the following resolution, which was adopted:

Resolved, That the President and Sergeant-at-Arms of the State Constitutional Convention, held at Wyandott, be requested to report to this House immediately, a statement of all the expenses audited by said Convention.

Mr. Murphy offered the following resolution, which was adopted:

Resolved, That the Hon. M. S. Adams of Leavenworth City, be invited to a seat within the bar of the House, and that the Sergeant-at-Arms be instructed to provide him a seat.

Mr. McMath offered the following resolution:

Resolved, That whilst unfinished business remains on the calendar of this House, night sessions shall be held.

Mr. Wood moved to amend by adding "commencing next Monday evening at 7 o'clock."

The amendment was agreed to, and

The resolution as amended was adopted.

Mr. Wood introduced a written request, calling for a committee of investigation in relation to a difficulty arising out of a call of the House yesterday.

Mr. Fitzpatrick moved that it be indefinitely postponed.

Carried.

Mr. Brooks, chairman of the Committee on Incorporations and Banking, submitted the following report:

The Committee on Corporations having had under consideration House Bill No. 163, entitled "An Act to incorporate the

New Brighton Town Company," report the same back and recommend its passage with the following amendment:

In section 2, strike out the words "six hundred and forty" and insert the words "three hundred and twenty."

Also, strike out "section 5."

Your Committee on Incorporations, having had under consideration House Bill No. 133, entitled "An Act to incorporate the Big Stranger River Bridge Company," report the same and recommend its reference to a Committee consisting of the Leavenworth Delegation.

The Committee on Corporations, having had under consideration Council Bill No. 31, entitled "An Act to authorize Hiram E. Byington to build and maintain a bridge across the Marais des Cygnes river at the Sac & Fox Agency," report the same and recommend its passage, with the following amendment, to wit:

In section 1, strike out "twenty" and insert "ten."

Committee on Corporations, having had under consideration House Bill No. 194, entitled "An Act to incorporate the Leavenworth Mercantile Library Association," report the same and recommend its passage, with the following amendment, to wit:

In section 4, after the word "corporation" and before the word "shall," insert the following, "for the purpose of mental culture."

The Committee on Corporations and Banking, having had under consideration House Bill No. 216, entitled "An Act to incorporate the Kansas Scientific and Literary Society," report the same and recommend its passage, with the following amendment, to wit;

Strike out section "six."

The Committee on Corporations, having had under consideration House Bill No. 212, entitled "An Act to establish a Ferry across the Kansas river at Wabaunsee," report the same and recommend its passage, with the following amendment, to wit:

In section 1, strike out the word "fifteen" and insert "ten."

In section 2, strike out the words "hereby consent, promise and agree that," and insert the words "shall keep."

Also, strike out the words "shall be kept by them and their successors."

In section 3, strike out "fifteen" and insert "ten."

P. R. BROOKS, Chairman.

The report was accepted.

Mr. Wood, from the Committee on Judiciary, submitted the following report:

Mr. Speaker:—The Judiciary Committee, having had under consideration a large number of Bills, beg leave to submit the following report:

Your Committee have had under consideration Council Bill No. 82, entitled "An Act relating to Executions returned not satisfied," and report the same back to the House, and recommend its passage.

Also, Council Bill No. 49, entitled "An Act to authorize Doniphan county to issue bonds," report the same back to the House and recommend its passage.

Also, House Bill No. 230, entitled "An Act divorcing Peter Lenker and Sarah L. Lenker," and report the same back to the House and recommend its passage.

Also, House Bill No. 251, entitled "An Act to protect settlers on public lands," and report the same back to the House, without recommendation, for the action of the House.

Also, House Bill No. 112, "An Act authorizsng the city of Wyandott to sell and convey certain Real Estate," and report the same back to the House and recommend its passage.

Also, House Bill 224, "An Act amendatory to an Act entitled 'An Act regulating the Jurisdiction and Procedure before Justices of the Peace, and of the duties of Constables, in Civil Cases," and report the same back to the House and recommend its passage.

Also, House Bill No. 228, entitled "An Act regulating voluntary assignments," and report the same back to the House and recommend its passage

Also, House Bill No. 223, entitled "An Act to repeal that portion of an Act entitled 'An Act to establish a Court of Civil Procedure,' approved Feb. 11th, 1859, relating to executions against the person," and report the same back to the House and recommend its indefinite postponement.

Also House Bill No. 246, entitled "An Act regulating the writ of *ad quad Damnum,*" and report the same back to the House and recommend its passage.

Also, House Bill No. 200, entitled "An Act making certain Indians citizens," and report the same back, without recommendation, for the action of the House.

Also, House Bill No. 197, eniitled "An Act authorizing the County Superintendent of Common Schools in Jackson county to appoint a Deputy," and report the same back to the House and recommend its indefinite postponement.

Also, House Bill No. 9, "An Act to amend an Act entitled 'An Act relating to Counties and County Officers,'" and report the same back and recommend its indefinite postponement.

Also, House Bill No. 198, entitled "An Act for the relief of J. B. Robinson and Wm. B. Robinson," and report the same back to the House and recommend its indefinite postponement.

Also, House Bill No. 8, entitled "An Act exempting certain property from sale upon execution or other process."

S. N. WOOD, Chairman.

The report was received and agreed to.

Mr. Brooks, from the Committee on Corporations and Banking, submitted the following report:

The Committee on Corporations, having had under consideration House Bill No. 17, entitled "An Act to incorporate the Wyandott City Insurance Company," report the same back and recommend that it be laid upon the table and printed.

P. R. BROOKS, Chairman.

The report was received and agreed to.

On motion of Mr. Whitehead, the rules were suspended and all bills introduced read a second time, that they might be referred to their appropriate Committees.

Mr. Wood introduced House Bill No. 266, entitled "An Act divorcing Sarah Wood and Charles F. Wood."

Rules suspended, and

Bill read a second and third time, and

Passed.

The title was agreed to.

Mr. Bartlett introduced House Bill No. 26, "An Act relating to the Commitment of Prisoners."

Referred to Committee on Judiciary.

Mr. Brooks introduced House Bill No. 265, entitled "An Act incorporating the Douglas County Agricultural and Mechanical Society."

Referred to Committee on Incorporations.

Mr. Bartlett introduced House Bill 267, "An Act relating to Pleadings."

Referred to the Committee on Judiciary.

Mr. Pierce introduced House Bill No. 269, entitled "An Act for the relief of Insolvent Debtors."

Read a second time and ordered to be printed.

Mr. Cave introduced House Bill No. 270, "An Act to amend an Act entitled 'An Act defining the Judicial Districts of the Territory, and fixing the times and places of holding Courts therein."

Referred to Committee on Judiciary.

Mr. Bartlett introduced House Bill No. 271, entitled "An Act relating to the fees of Officers."

Referred to the Committee on Judiciary.

Mr. Scott introduced House Bill No. 272, entitled "An Act incorporating the Kansas State Agricultural Society."

Referred to Committee on Incorporations.

Mr. Knowles introduced House Bill No. 273, "An Act to amend an Act entitled 'An Act to restrain Dram Shops and Taverns, and regulate the sale of Intoxicating Liquors.' "

Referred to Committee on Judiciary.

Mr. Murphy introduced House Bill No. 274, entitled "An Act divorcing Clara L. Crane from Orlando M. Crane."

Referred to Committee on Judiciary.

Mr. Sims introduced House Bill No. 275, entitled "An Act to incorporate the Kansas Central College."

Referred to Committee on Education.

Mr. Rankin introduced House Bill No. 276, entitled "An Act to incorporate the Jefferson Quartz Mining Company."

Referred to Committee on Incorporations.

Mr. Bartlett introduced House Bill No. 277, entitled "An Act to incorporate the Wabaunsee County Agricultural Society."

Referred to Committee on Incorporations.

Mr. Sims introduced House Bill No. 278, entitled "An Act for the relief of J. Newell."

Referred to the Committee on Judiciary.

Mr. Wood presented the petition of Clara L. Crane for a divorce.

Referred to the Committee on Judiciary.

Mr. Wood offered the following resolution, which was adopted:

Resolved, That a Committee of three, consisting of one member from each judicial district, be appointed to prepare a Bill relating to the Judicial Districts and the time of holding the Courts therein, and to whom shall be referred all Bills in relation thereto, and also, to confer with a similar Committee of the Council.

House Bill No. 220, entitled "An Act divorcing Peter Lenker and Sarah Lenker," was taken up.

Read a third time and

Passed.

The title was agreed to.

Mr. Brooks, from the Committee on Incorporations, made the following report:

The Committee on Incorporations, having had under consideration Council Bill No. 94, entitled "An Act to amend an Act entitled 'An Act to incorporate the Leavenworth, Lawrence and Fort Gibson Railroad Company,'" passed February 12, 1858, report the same, without amendment, and recommend its passage.
P. R. LROOKS, Chairman.

Council Bill No. 94, entitled "An Act incorporating the Lawrence and Fort Union Railroad Company," was taken up.

Read the third time and

Passed.

The title was agreed to.

House Bill No. 158, entitled "An Act making an additional appropriation to defray the expenses of the Wyandott Constitutional Convention," was taken up.

Mr. Wood moved to postpone the Bill, and make it the special order of Wednesday next, at 2 o'clock, P. M.

Carried.

On motion of Mr. Wood, the Bills on the Calendar were taken up in their order, and referred to their appropriate Committees, to wit:

Council Bill No. 40,

To the Committee on Judiciary.

The Speaker appointed the following gentlemen as a Special Judicial Committee, to wit: Messrs. Wood, Scott and Parks.

Council Bill No. 72,

Referred to the Special Judicial Committee.

Council Bill No. 80,

Referred to the same.

Council Bill No. 75,

Referred to the same Committee.

House Bill No. 108,

Laid on the table and ordered to be printed.

Council Bill No. 25, entitled "An Act regulating the Interest of Money," was taken up.

Mr. McMath moved a call of the House.

A call was ordered, and the Sergeant-at-Arms ordered to bring in the absentees.

On motion of Mr. Scott, further proceedings under the call were dispensed with.

Mr. Sims moved that the words "twenty per cent." in the Bill, section 2, be stricken out.

Upon which the yeas and nays were demanded with the following result:

Yeas—20. Nays—9.

Those voting in the affirmative were

Messrs. Blake, Chandler, Canniff, Cornwell, Cave, Knowles, Lindsay, Murphy, McMath, Morton, Noel, Pierce, Robertson, Rankin, Steward, Sims, Sopris, Whitehead, Wagstaff and Wood.

Those voting in the negative were

Messrs. Bartlett, Brooks, Elliott, Fitzpatrick, Lombard, Lynde, Parks, Sheldon and Scott.

So the motion to strike out prevailed.

Mr. McMath moved to strike out section 2 in the Bill.

Mr. Lindsay offered the following as an amendment to the motion of Mr. McMath:

Provided, however, That no incorporate banking institution of this Territory be entitled to no more than the rate of interest specified in this charter, or if no rate be specified, more than ten per cent. per annum, upon any loan or discount whatever.

Mr. Wood moved to lay the motion and amendment upon the table.

Upon which the yeas and nays were demanded with the following result:

Yeas—18. Nays—12.

Those voting in the affirmative were

Messrs. Blake, Chandler, Canniff, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Knowles, Lynde, Morton, Pierce, Robertson, Rankin, Steward, Sims, Scott and Wood.

Those voting in the negative were

Messrs. Bartlett, Brooks, Lombard, Lindsay, Murphy, McMath, Noel, Parks, Sheldon, Sopris, Whitehead and Wagstaff.

So the motion to lay upon the table prevailed.

Message from the Council:

Mr. Speaker:—I am directed to notify the House that the

Council have passed House Bill No. 230, entitled "An Act divorcing Peter Lenker and Sarah Lenker."

House Bill No. 109, entitled "An Act to authorize the county of Leavenworth to issue certain Bonds," without amendment.

Also, Council Bill No. 68, entitled "An Act for the relief of Frank H. Page and John Varian."

JOHN J. INGALLS,
Secretary.

Mr. Wood moved to fill the blank in the Bill by inserting the words "twelve per cent."

Mr. Scott moved to further amend by inserting "fifteen per cent."

Lost.

The question being upon the motion of Mr. Wood,

Mr. Parks moved to amend by inserting "twenty-four per cent."

Mr. Rankin moved to lay the amendment upon the table.

Upon which the yeas and nays were demanded with the following result:

Yeas—18. Nays—11.

Those voting in the affirmative were

Messrs. Canniff, Cornwell, Cave, Elliott, Fitzpatrick, Knowles, Lynde, Murphy, Morton, Pierce, Robertson, Rankin, Steward, Sims, Scott, Sopris, Whitehead and Wood.

Those voting in the negative were

Messrs. Bartlett, Brooks, Chandler, Dutton, Lombard, Lindsay, McMath, Noel, Parks, Sheldon and Wagstaff.

So the motion to lay upon the table prevailed.

Mr. Fitzpatrick moved to insert the words "eighteen per cent."

Upon which the yeas and nays were demanded with the following result:

Yeas—11. Nays—18.

Those voting in the affirmative were

Messrs. Brooks, Canniff, Cave, Elliott, Fitzpatrick, Knowles, Lynde, Noel, Parks, Sheldon and Scott.

Those voting in the negative were

Messrs. Bartlett, Chandler, Cornwell, Dutton, Lombard, Lindsay, Murphy, McMath, Morton, Pierce, Robertson, Rankin, Steward, Sims, Sopris, Whitehead, Wagstaff and Wood.

So the motion was lost.

Mr. Wood demanded the previous question, which was sustained.

The question then being upon the motion of Mr. Wood, to insert the words "twelve per cent."

Upon which the yeas and nays were demanded with the following result:

Yeas—22. Nays—8.

Those voting in the affirmative were

Messrs. Blake, Bartlett, Chandler, Canniff, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Knowles, Murphy, Morton. Noel, Pierce, Robertson, Rankin, Steward, Sims, Sheldon, Scott, Whitehead and Wood.

Those voting in the negative were

Messrs. Brooks, Lombard, Lynde, Lindsay, McMath, Parks, Sopris and Wagstaff.

So the motion prevailed.

Mr. Wood moved to strike out "ten" where it occurs in the Bill, and insert "six."

Upon which the yeas and nays were demanded with the following result:

Yeas—15. Nays—14.

Those voting in the affirmative were

Messrs. Blake, Bartlett, Brooks, Cornwell, Cave, Dutton, Lindsay, Murphy, McMath, Parks, Robertson, Sheldon, Sopris, Whitehead and Wood.

Those voting in the negative were

Messrs. Canniff, Elliott, Fitzpatrick, Knowles, Lombard, Lynde, Morton, Parks, Noel, Rankin, Steward, Sims, Scott and Wagstaff.

So the motion prevailed.

Mr. Lindsay moved that the further consideration of the Bill be indefinitely postponed.

Upon which the yeas and nays were demanded with the following result:

Yeas—7. Nays—20.

Those voting in the affirmative were

Messrs. Brooks, Dutton, Lindsay, McMath, Sheldon, Sopris and Wagstaff.

Those voting in the negative were

Messrs. Blake, Bartlett, Canniff, Cornwell, Cave, Elliott, Fitzpatrick, Knowles, Lombard, Lynde, Morton, Noel, Parks, Pierce, Robertson, Rankin, Steward, Scott and Wood.

So the motion to indefinitely postpone was lost.

Mr. Wood offered the following as an additional section to the Bill:

"All partial payments that have been or shall be made on contract, where a higher rate of interest than ten per cent. per annum is agreed to be paid, shall be construed to be so much partial payment of the original sum or debt, thereby stopping the interest on the original sum or debt."

Upon which the yeas and nays were demanded with the following result:

Yeas—12. Nays—17.

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Cave, Dutton, Elliott, Lynde, Lindsay, Murphy, Morton, Scott, Sopris and Wood.

Those voting in the negative were

Messrs. Blake, Canniff, Cornwell, Fitzpatrick, Knowles, Lombard, McMath, Noel, Parks, Pierce, Robertson, Rankin, Steward, Sims, Sheldon, Whitehead and Wagstaff.

Lost.

On motion of Mr. Parks,

The House adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

House called to order by the Speaker *pro tem.*

Mr. Knowles moved a call of the House, which was ordered, and the Sergeant-at-Arms directed to bring in the absentees, which being done,

Further proceedings under the call were dispensed with.

The special order being the consideration of House Bill No. 259, entitled "An Act regulating Counties and County Officers," was taken up.

Mr. Fitzpatrick offered the following amendment to section 19:

Amend section 19 by striking out "may" in the first line and insert in its place "shall."

Mr. McMath moved to lay the amendment upon the table.

Upon which the yeas and nays were demanded with the following result:

Yeas—9. Nays—18.

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Knowles, Lynde, Murphy, McMath, Rankin, Steward and Scott.

Those voting in the negative were

Messrs. Chandler, Canniff, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Heath, Lombard, Lindsay, Morton, Noel, Pierce, Robertson, Sheldon, Sopris, Whitehead and Wood.

So the motion to lay upon the table was lost.

Mr. Morton moved to amend by striking out all after the word "and."

Carried.

The amendment was then adopted.

Mr. McMath moved to strike out "five" and insert "three" in section 18.

Carried.

Mr. Scott offered the following amendment to section 10:

Provided, That this shall not apply to the commissioners who shall be elected on the fourth Monday of March, A. D., 1860, in accordance with section 128 of this Act.

Mr. Wood moved that all amendments proposed in Committee of the Whole be adopted.

Carried.

Mr. Wood offered the following as an additional section to the Bill:

"That section 12 of this Act shall not apply to Morris, Chase and Butler counties."

Mr. Pierce moved lay the amendment upon the table.

Lost.

The question being upon the adoption of the amendment offered by Mr. Wood, The yeas and nays were demanded with the following result

Yeas—14. Nays—13.

Those voting in the affirmative were

Messrs. Bartlett, Chandler, Fitzpatrick, Lynde, Lindsay, Morton, Noel, Robertson, Steward, Sheldon, Scott, Sopris, Whitehead and Wood.

Those voting in the negative were

Messrs. Brooks, Cornwell, Cave, Dutton, Elliott, Heath, Knowles, Lombard, McMath, Pierce, Rankin, Sims and Wagstaff.

So the amendment was adopted.

Message from the Council:

MR. SPEAKER:—I am directed to notify the House that the Council have passed Council Bill No. 39, entitled "An Act providing for the raising of a tax in Pottawatamie county," by the constitutional majority, the objections of the Governor to the contrary notwithstanding.

Also, House Bill No. 14, entitled "An Act to establish and charter a Ferry across the Missouri river, at the city of Wyandott," with the following amendments:

Strike out "eastern," line 4, section 1, and insert "mouth of Kansas river."

Strike out 5th and 6th line.

Strike out "line" in 8th line, section 1, and insert the word "mouth."

Strike out "ten" in 11th line and read "twenty."

Council Bill No. 89, entitled "An Act to incorporate the Central Overland California and Pike's Peak Express Company."

Your concurrence is desired.

JOHN J. INGALLS,
Secretary.

Mr. Pierce moved to strike out the word "three" in section 13 and insert "two."

Lost.

On motion of Mr. Sims, all that part after the word "vote" was stricken out in section 17.

On motion of Mr. Rankin, the word "three" in 4th line, section 17, was stricken out and "five" inserted.

Mr. Sims moved to add to section 19, the words: "By a petition from a majority of legal voters."

Carried.

In section 23, the word "amount" was striken out and the word "account" inserted.

On motion of Mr. Sims, the words "except upon the recorded vote or resolution of the Board of Commissioners," were stricken out and the words "unless ordered by the Board of Commissioners" inserted.

The Bill was taken up and ordered to be read by sections.

Mr. Sims, Chairman of the Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER:—House Bill No. 123, entitled "An Act divorcing Lucinda F. Gee and James M. Gee," is correctly enrolled.

Also, House Bill No. 230, entitled "An Act divorcing Peter Lenker and Sarah L. Lenker," is truly enrolled.

C. SIMS, Chairman.

On motion of Mr. Sims, the word "therefore" in section 3, 2d line, was stricken out.

On motion of Mr. Sims, the words "contiguous territory" in section 11, wer estricken out, and the word "compact" before "district" inserted.

On motion of Mr. Sims, the word "such" in section 11, 3d line, was stricken out, and "each" inserted.

On motion of Mr. Scott, the following was adopted as an amendment to section 10:

Provided, This shall not apply to the county commissioners who shall be elected on the fourth Monday of March, 1860, in accordance with the 129th section of this Act.

Mr. Bartlett offered the following as an amendment:

In section 39, strike out all after the words "Probate business" in the 3rd line, and insert "and such other compensation as the board of county commissioners may determine: *Provided,* That nothing shall be paid by the county, if the fees and official compensation of said judge shall amount to five hundred dollars."

Upon which the yeas and nays were demanded as follows:

Yeas—23. Nays—5.

Those voting in the affirmative were

Messrs. Blake, Bartlett, Cornwell, Cave, Dutton, Elliott, Heath, Knowles, Lynde, Lindsay, Morton, Noel, Pierce, Robertson, Steward, Sims, Sheldon, Sopris, Whitehead, Wagstaff and Wood.

Those voting in the negative were

Messrs. Canniff, Fitzpatrick, Murphy, McMath and Parks.

So the amendment was adopted.

On motion of Mr. Bartlett, the further reading of the Bill was dispensed with.

Mr. Scott offered the following, which was adopted:

Add to section 129, the words "and the voting for such commissioner and assessor shall be at the usual places of holding general elections."

Mr. Wagstaff offered the following as an addition to section 134:

"Except the 11th section of this Act, which shall take effect and be in force from and after its passage."

Adopted.

Mr. Scott moved to suspend the rules in order that the Bill might be read a third time.

Carried.

On motion of Mr. Wood, the Bill was ordered to be engrossed and read a third time to-morrow.

The Committee to whom was referred the resolution calling for information in relation to the expenses of the Wyandott Constitutional Convention, submitted a report, which was read by the Clerk.

On motion of Mr. Wood, the report was

Referred to a Select Committee of three.

The Speaker appointed Messrs. Wood, Heath and Sopris as such Committee.

Message from the Governor:

EXECUTIVE OFFICE, K. T.,
February 4, 1860.

To the President and Gentlemen of the Council:

I return the Bill entitled "An Act providing for raising a tax in Pottawatamie County," with my objections. Pottawatamie county has never yet paid a Territorial tax into the treasury of the Territory, and this Bill virtually releases her from paying such tax in 1860; it provides only for a county tax, and that by changing the whole mode of tax levies and collections provided by the general tax law of the Territory.

This Bill constitutes a county assessor, and makes the sheriff of the county, collector; providing only for a county tax. If it is claimed that it does not repeal the general tax law, so far as Pottawatamie county is concerned, then it introduces into that county two systems of assessments; one by the township assessor, and the other by the county assessor, thereby creating a double set of officers. Pottawatamie county is divided into original townships, and, unless the whole order of tax assessments and tax collections, and a general system of county assessments be adopted, to which I see no objections, it is out of all order to disturb the present plan and complicate the affairs of a single county by a new and special mode.

By the Organic Act, all officers are to be appointed by the Executive, or elected by the people, but in this Bill the assessor of Pottawatamie county is made by law. Both the power and duty of the Executive, and the will and wishes of the people, in this Bill, are ignored by the legislative authority, swallowing up "Popular Sovereignty" and "Squatter Sovereignty," and they have overriden the act organizing the Territory.

S. MEDARY.

On motion of Mr. Scott, the Bills on the calendar were taken up in their order.

Council Bill No. 26, entitled "An Act regulating the interest of Money," was taken up.

Mr. Parks moved to strike out the words "twelve per cent.," where it occurs in the Bill, and insert "nineteen per cent."

Lost.

On motion of Mr. Wood, the word "twenty" where it occurs in section 3, was stricken out.

Mr. Scott moved to strike out in the fifth section, the words "for the purpose of raising money upon it, or."

Carried.

The rules were suspended and

The Bill was read a third time, and

Upon its final passage, the vote resulted:

Yeas—13. Nays—13.

Those voting in the affirmative were

Messrs. Blake, Bartlett, Cornwell, Cave, Elliott, Fitzpatrick, Knowles, Pierce, Robertson, Steward, Sims, Scott and Whitehead.

Those voting in the negative were

Messrs. Brooks, Dutton, Heath, Lombard, Lynde, Lindsay, McMath, Noel, Parks, Sheldon, Sopris, Wagstaff and Wood.

There being a tie, the Bill was

Lost.

Mr. Wood moved a reconsideration of the vote.

Upon which the yeas and nays were demanded as follows:

Yeas—17. Nays—10.

Those voting in the affirmative were

Messrs. Blake, Cornwell, Cave, Elliott, Fitzpatrick, Knowles, Lombard, Noel, Pierce, Robertson, Steward, Sims, Scott, Sopris, Whitehead, Wagstaff and Wood.

Those voting in the negative were

Messrs. Bartlett, Brooks, Canniff, Dutton, Heath, Lynde, Lindsay, McMath, Parks and Sheldon.

So the vote was reconsidered.

On motion of Mr. Parks,

The House adjourned.

GUSTAVUS A. COLTON,
Speaker of the House of Representatives.

M. W. DELAHAY,
Chief Clerk.

THURSDAY, February 9, 1860,
9 o'clock, A. M.

House called to order by the Speaker *pro tem*.

Roll called.

Absent, Messrs. Blake, Brooks, Chandler, Canniff, Cornwell, Fitzpatrick, Murphy, Morton, Parks, Reynolds Rankin, Sims, Shively, Sheldon, Vanderslice, Wood and Mr. Speaker.

The Journal of yesterday was read and approved.

Message from the Council:

MR. SPEAKER:—I am directed to notify the House that the Council have passed Council Bill No. 88, entitled "An Act to amend an Act to incorporate the City of Leavenworth," &c. Your concurrence is desired.

JOHN J. INGALLS,
Secretary.

Mr. Nelson presented a petition of P. A. Smith and 61 others, praying for a change in the lines of Coffey county.

Also, a petition of J. S. Caseweg and 46 others, praying that the lines of Coffey county to be removed six miles east; also, a petition of J. Black and 9 others, praying for the same; also, a petition of Wm. Warner and 29 others, for the same; also, a petition of J. L. Davis and 45 others, for the same.

Mr. Heath presented a petition for a change in the Territorial road from Lawrence to Emporia.

Referred to Committee on Roads and Highways.

Mr. Nelson, from the Committee on County Lines and County Seats, submitted the following report:

The Committee on County Lines having had under consideration House Bill No. 1, "An Act to locate the county seat of Riley county," report the same back and recommend its indefinite postponement.

Also, House Bill No. 103, "An Act to establish the county of Washashee," and House Bill No. 145, "An Act for the organization of Clay county," and would report the same back without recommendation.

Also, House Bill No. 126, "An Act providing for the permanent location of the county seat of Douglas county," report the same back, and recommend its passage with the following amendments:

Strike out all of section 6, after the word "are" in the second line, and insert "qualified voters under the general election law of this Territory."

Your committee have, also, had under consideration House Bill No. 22, "An Act to organize the county of Washington;" House Bill No. 20, "An Act to change the boundary of Butler county;" House Bill No. 141, "An Act to change the name of Breckenridge county;" House Bill No. 238, "An Act to establish Peketon county;" House Bill No. 218, "An Act organizing Dickinson county;" also, Council Bill No. 47, "An Act to organize Saline county," Council Bill No. 37, "An Act to provide for the permanent location of the county seat of Marshall county," report the same back, without amendment, and recommend their passage.

GEORGE W. NELSON,
Member of Committee.

Mr. Canniff, from Committee on Phraseology, submitted the following report:

The Committee on Phraseology, to whom was referred House

Bill No. 184, entitled "An Act supplemental to an Act incorporating Topeka Cemetery Association," beg leave to report the same back to the House, as corrected, and recommend its passage.

S. R. CANNIFF, Chairman.

The report was agreed to.

A report was received and read from the Commissioners appointed to examine the affairs of the Kansas Valley Bank.

The report was ordered to be printed.

Mr. Sims, from the Judiciary Committee, submitted the following report:

MR. SPEAKER:—The majority of the Judiciary Committee, have considered House Bill No. 278, entitled "An Act for the relief of Jane Newell," and taken evidence with regard to the same, which is herewith returned. The Committee earnestly recommend the passage of the Act.

CHARLES SIMS,
Chairman.

House Bill No. 278, entitled "An Act for the relief of Jane Newell," was taken up.

Read a second time.

Rules suspended.

Bill read a third time and

Passed.

The title was agreed to.

Mr. Heath, from the Committe to whom was referred House Bill No. 4, submitted the following report:

The Committee of Conference, on the part of the House, beg leave to report that they have met a similar committee on the part of the Council, and have had under consideration the disagreement of the two Houses in relation to House Bill No. 4, entitled "An Act to provide for the location of the county seat of Allen county. The committee, on the part of the Council, agree to recede from the amendments made in the Council, with the exception of striking out the word "permanent." The committee, on the part of the House, agree that the word "permanent" may be so stricken out, and recommend that the House concur therein.

ERASTUS HEATH,
H. R. DUTTON.
W. R. WAGSTAFF,
P. G. D. MORTON,
P. S. PARKS.

The report was agreed to.

Mr. Brown, from Special Committee on House Bill No. 203, submitted the following report:

The Special Committee, to whom was referred House Bill No. 203, have had the same under consideration, and report the same back, without amendment, and recommend its passage.

F. BROWN, Chairman.

On motion of Mr. Brown,

The rules were suspended, and

Bill read a third time and

Passed.

The title was agreed to.

Mr. Brooks, from Committee on Corporations, submitted the following report:

The Committee on Corporations, having had under consideration House Bill No. 171, entitled "An Act to incorporate the Free Point Town Company," report the same, and recommend its passage, without amendment.

P. R. BROOKS, Chairman.

Mr. Shively, from the Select Committee to whom was referred Council Bill No. 17, submitted the following report:

The Select Committee, to whom was referred Council Bill No. 17, "An Act to locate the county seat of Franklin county," have had the same under consideration, and ask leave to report the Bill back, with the following amendment, and recommend its passage:

Sec. 1st, third line, before the word "locate," insert the word "temporarily," and add the following sections:

Sec. 1. That an election shall be held in said county, at the usual places of holding elections at the general election in November, 1860, for the purpose of permanently locating the county seat of Franklin county, under the provisions of the general election law.

Sec. 2. That the election shall be by ballot, on which shall be printed or written the place of their choice; and the place having a majority of all the votes cast, shall be declared the permanent county seat of Franklin county.

Sec. 3. That if, at said election, no place has a majority of all the votes cast, then a second election shall be held on the fourth Monday of March, 1861, at which time the two places which had the highest number of votes at the first election, shall be voted for at said election, and none others. And the place having the highest number of votes shall be declared the permanent county seat of said county.

Sec. 4. That it shall be the duty of the clerks of the several voting places to make return, as required by law, to the county clerk, and the Commissioners of said county shall proceed to canvass said votes, and proclaim the result to the citizens of said county.

Sec 5. That the several officers of said county shall be required to remove their several offices, books, records and other papers, to the county seat herein located, as required by the provisions of this Bill.

H. SHIVELY,
G. W. NELSON,
W. L. McMATH,
S. N. WOOD,

Mr. Scott moved that the report be agreed to.

Mr. Sims moved to amend by postponing the subject until two o'clock, P. M.

Mr. Morton moved to lay the motion of Mr. Sims upon the table, upon which the yeas and nays were demanded, with the following result:

Yeas—14. Nays—16.

Those voting in the affirmative were

Messrs. Brooks, Canniff, Dutton, Elliott, Jones, Knowles, Lynde, McMath, Morton, Pierce, Rankin, Shively, Scott, and Wagstaff.

Those voting in the negative were

Messrs, Brown, Bartlett, Cornwell, Cave, Fitzpatrick, Lombard, Lindsay, Nelson, Parks, Robertson, Steward, Sims, Sopris, Whitehead, Wright and Wagstaff.

So the motion to lay upon the table was

Lost.

The question recurring, upon the motion of Mr. Sims, to postpone the subject until 2 o'clock, P. M.,

Mr. Knowles demanded the previous question, which was sustained.

The yeas and nays being demanded upon the motion to postpone until two o'clock, P. M., which resulted in

Yeas—16. Nays—15.

Those voting in the affirmative were

Messrs. Brown, Bartlett, Canniff, Cornwell, Cave, Fitzpatrick, Jones, Lombard, Parks, Robertson, Steward, Sims, Sopris, Whitehead, Wright and Wagstaff.

Those voting in the negative were

Messrs. Brooks, Dutton, Elliott, Heath, Knowles, Lynde, Lindsay, McMath, Morton, Nelson, Pierce, Rankin, Shively, Scott and Wood..

So the subject was postponed.

Message from the Council:

MR. SPEAKER:—I am directed to notify the House that the Council have passed Council Bill No. 83, entitled "An Act to define the boundary line between Wabaunsee and Davis counties."

Also, Council Bill No. 101, entitled "An Act to incorporate the Metropolitan Mining Company."

Also, Council Bill No. 100, entitled "An Act to incorporate the Great Western Mining Company."

Also, House Bill No. 25, entitled "An Act to provide for the subdividing sections of land."

Also, House Bill No. 158, entitled "An Act legalizing the Act of F. M. Stumbo," with the following amendments:

In 3d line, Sec. 1, after "peace," read "otherwise legal."

Your concurrence is invited.

JOHN J. INGALLS,
Secretary

Mr. Nelson moved that the morning orders be dispensed with, and the special orders taken up.

Carried.

House Bill No. 14, entitled "An Act to establish and charter a Ferry across the Missouri river at the city of Wyandott," was taken up, and

On motion of Mr. McMath, was

Laid upon the table.

House Bill No. 79, entitled "An Act providing for the location of the County Seat of Breckenridge county," was taken up.

Mr. Wood moved that the amendment proposed in the Council be concurred in.

Mr. Parks moved to lay the Bill upon the table.

Lost.

The question recurring, upon the motion of Mr. Wood, to concur in the amendments of the Council, the vote being taken, resulted in

Yeas—12. Nays—16.

Those voting in the affirmative were

Messrs. Brooks, Cave, Dutton, Heath, Lindsay, McMath, Morton, Nelson, Pierce, Robertson, Sopris and Wagstaff.

Those voting in the negative were

Messrs. Brown, Blake, Cornwell, Elliott, Jones, Knowles, Lombard, Lynde, Murphy, Parks, Rankin, Shively, Scott, Whitehead, Wright and Wood.

So the motion to concur in the amendment of the Council was

Lost.

Council Bill No. 68, entitled "An Act for the relief of Frank H. Page and John H. Varian," was taken up, and

On motion of Mr. Rankin, was

Laid upon the table.

Council Bill No. 21 was taken up and

Read by title, and

Referred to Committee on Corporations and Banking.

Mr. Brown moved that the House adjourn, which was

Lost.

Mr. Wood moved that House Bills Nos. 272 and 211, be postponed and made the special order of Monday next, at 10 o'clock.

Carried.

On motion of Mr. Heath, House Bill No. 211 was

Ordered to be printed.

House Bill No. 259, "An Act relating to Counties and County Officers," was taken up, and

On motion of Mr. Parks,

Laid on the table.

Mr. McMath offered the following resolution, which was adopted:

Resolved, That R. M. Ruggles, editor of the Americus *Sentinel*, be invited to a seat within the Bar of this House.

On motion of Mr. Nelson, House Bill No. 174 was taken up that it might be referred to its appropriate Committee.

House Bill No. 169 was taken up, "An Act to establish a County Poor House in Leavenworth county and to provide for the maintenance of the same."

Read a third time and

Passed.

The title was agreed to.

House Bill No. 20, entitled "An Act changing the lines of Butler county," was taken up, with the report of the Committee on County Lines.

Report agreed to, and

Bill passed.

The title was agreed to.

Council Bill No. 20, was taken up, entitled "An Act to incorporate the Washington Lodge, No. 5, of Free and Accepted Masons."

Bill read a third time, and

Passed.

The title was agreed to.

Message from the Council:

MR. SPEAKER:—I am directed to notify the House that the Council have passed House Bill No. 252, entitled "An Act divorcing Lois H. Brown and George W. Brown."

Also, that the Council insist on Council amendments to House Bill No. 79, entitled "An Act to provide for the location for the Seat of Justice in Breckenridge county."

Your concurrence is requested.

JOHN J. INGALLS,
Secretary.

Mr. Wood introduced House Bill No. 285, entitled "An Act divorcing Camillia E. Woodhull and Steven F. Woodhull."

Read a first time.

Rules suspended, and

Read a second time.

Mr. McMath moved that the Bill be indefinitely postponed.

Lost.

Mr. Wagstaff moved that the Bill be referred to its appropriate Committee.

Lost.

Mr. Wood moved that the rules be suspended that the Bill might be read a third time.

Upon which the vote was taken, with the following result:

Yeas—19. Nays—8.

Those voting in the affirmative were

Messrs. Brown, Bartlett, Canniff, Dutton, Elliott, Fitzpatrick, Knowles, Lombard, Lynde, Lindsay, Murphy, Morton, Noel, Nelson, Robertson, Steward, Shively, Whitehead and Wood.

Those voting in the negative were

Messrs. Cornwell, Cave, Jones, McMath, Pierce, Rankin, Wright and Wagstaff.

So the rules were suspended.

The question being upon the final passage of the Bill, the yeas and nays were demanded, with the following result:

Yeas—19. Nays—6.

Those voting in the affirmative were

Messrs. Brown, Bartlett, Canniff, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lombard, Lynde, Murphy, Morton, Noel, Nelson, Bobertson, Steward, Shively, Whitehead and Wood.

Those voting in the negative were

Messrs. Cave, Lindsay, McMath, Pierce, Rankin and Wright.

So the Bill passed.

The title was agreed to.

Mr. Wood moved a call of the House.

The call was ordered.

On motion of Mr. Rankin, further proceedings under the call were dispensed with.

On motion of Mr. Brown,

The House adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

Mr. Morton moved that the House recede from the position taken upon House Bill No. 79, "An Act to locate the County Seat of Breckenridge county."

Mr. Elliott moved that it be postponed and made the special order of Wednesday next, at 2 o'clock.

Lost.

The question recurring upon the motion of Mr. Morton, to recede from the position taken upon the Bill, and concur in the amendments of the Council.

Yeas and nays were demanded, with the following result:

Yeas—23. Nays—12.

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Chandler, Canniff, Cave, Dutton, Fitzpatrick, Heath, Knowles, Lombard, Lindsay, Murphy, McMath, Morton, Noel, Nelson, Parks, Robertson, Rankin, Steward, Sheldon, Sopris and Wagstaff.

Those voting in the negative were

Messrs. Brown, Blake, Cornwell, Elliott, Jones, Lynde, Pierce, Sims, Scott, Shively, Whitehead and Wood.

So the House receded from its position, and the amendments of the Council were concurred in.

The special order being the consideration of House Bill No. 130, entitled "An Act to extend the time for the collection of Taxes in Jefferson county," it was taken up.

Mr. Scott in the Chair.

Mr. Lynde moved that the amendments, as recommended by the Committee on Judiciary, be concurred in.

Mr. Blake presented a petition from citizens of Jefferson county, in favor of the law, which was read from the Clerk's desk.

Mr. Lynde presented several petitions in favor of an extension of time until the 25th of February, 1860, but no longer.

Mr. Sopris moved that the subject be postponed and made the special order of to-morrow morning, at 10 o'clock.

Mr. Lynde moved to lay the motion of Mr. Sopris upon the table.

Carried.

Mr. Nelson moved to postpone the subject for one hour.

Mr. Lynde moved to lay the motion upon the table.

Carried.

Mr. Sims, from the Committee on Enrolled Bills, submitted the following report.

MR. SPEAKER:—House Bills Nos. 109, 13, 23, 73, 69, 61 and 214, are correctly enrolled.

CHARLES SIMS, Chairman.

The question being upon the adoption of the amendment as recommended by the Committee on Judiciary,

The yeas and nays were demanded with the following result:

Yeas—22. Nays—11.

Those voting in the affirmative were

Messrs. Bartlett, Chandler, Canniff, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lynde, Lindsay, Morton, Nelson, Pierce, Robertson, Rankin, Shively, Sheldon, Scott, Sopris and Wood.

Those voting in the negative were

Messrs. Blake, Cornwell, Lombard, McMath, Noel, Parks, Steward, Sims, Vanderslice, Whitehead and Wagstaff.

So the amendment was adopted.

On motion of Mr. Lynde, the Bill was read a third time, and

Passed.

The title was agreed to.

Council Bill No. 17, entitled "An Act to locate County Seat of Franklin county," was taken up.

Mr. Shively moved that the report of the Special Committee be agreed to.

Mr. Shively presented a number of remonstrances against a removal of the county seat of Franklin county, and praying that the question be submitted to a vote of the people.

Mr. Sims moved a call of the House.

The call was ordered.

Absent, Messrs. Blake, Canniff, Dutton, Murphy, Parks, Reynolds, Wright and Mr. Speaker.

On motion of Mr. Sopris, further proceedings under the call were dispensed with.

Mr. Sims offered the following as an amendment to the report of the Special Committee:

Amend the amendment by striking out "November" and insert "the first election."

Mr. Rankin moved to lay the amendment upon the table, which was

Carried.

The question being upon the adoption of the report of the Committee,

Mr. McMath demanded the previous question, which was sustained.

The Bill was then read a third time, and

Passed.

The title was agreed to.

Mr. McMath, from Joint Committee on County and Township Organization, submitted the following report, which was adopted :

Mr. Speaker :—The Joint Committee on County and Township Organization, to whom was referred the subject of conforming the laws of Kansas to the county commissioner system, report the following printed Bill, entitled "An Act defining the mode of laying out and establishing Roads."

W. L. McMATH, Chairman.

Mr. Bartlett presented a remonstrance of 31 voters of Wabaunsee county, against any addition to said county on the west or cutting off on the south.

Also, a remonstance of 13 others, for the same.

Also, a petition of 22 voters of Wabaunsee county, praying for a vote upon the county seat of said county, and that a portion of Shawnee county may be added to Wabaunsee county.

All of which were referred to the Committee on County Lines.

Mr. Wood, from the Select Committee, submitted the following report:

Mr. Speaker :—The Select Committee, to whom was referred Council Bill No. 24, entitled "An Act authorizing S. O. Hemenway and others to build a Bridge," have had the same under consideration, and report it back to the House and recommend its passage.

S. N. WOOD,
R. SOPRIS,
Committee.

Mr. McMath introduced House Bill No. 292, entitled "An Act to repeal 'An Act to restrain Dramshops and regulate the sale of Intoxicating Liquors.'"

Mr. Wood moved that the Bill be rejected.

Upon which the yeas and nays were demanded with the following result:

Yeas—15. Nays—15.

Those voting in the affirmative were

Messrs. Brooks, Canniff, Dutton, Elliott, Heath, Knowles, Lynde, Murphy, Pierce, Rankin, Steward, Sims, Scott, Sopris and Wood.

Those voting in the negative were

Messrs. Bartlett, Cornwell, Cave, Fitzpatrick, Jones, Lombard, McMath, Noel, Nelson, Parks, Robertson, Shively, Sheldon, Whitehead and Wagstaff.

There being a tie vote, the House refused to reject the Bill.

Mr. Wood moved that the Bill be indefinitely postponed.

Mr. McMath moved to lay the motion of Mr. Wood upon the table.

Lost.

The question recurring upon the motion of Mr. Wood, to indefinitely postpone the Bill,

The yeas and nays were demanded with the following result:

Yeas—21. Nays—9.

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Cornwell, Dutton, Elliott, Fitzpatrick, Heath, Knowles, Lombard, Lynde, Noel, Pierce, Robertson, Rankin, Steward, Sims, Sheldon, Scott, Sopris, Wagstaff and Wood.

Those voting in the negative were

Messrs. Canniff, Cave, Jones, Murphy, McMath, Nelson, Parks, Shively and Whitehead.

So the Bill was indefinitely postponed.

Mr. Sims, from the Committee on Enrolled Bills, submitted the following report:

Mr. Speaker:—House Bills Nos. 25 and 252, are truly enrolled.

CHARLES SIMS, Chairman.

Mr. Scott presented the petition of Jonathan Keys, and other citizens of Woodson county, praying for a Territorial road.

Referred to Committee on Roads and Highways.

Mr. Wood introduced House Bill No. 283, entitled 'An Act for the relief of S. D. McDonald."

Read a first and second time, and

Referred to Committee on Accounts.

Also, House Bill No. 284, entitled "An Act to incorporate the Southern Kansas Pacific Railroad Company."

Read a first and second time, and

Referred to Committee on Incorporations.

Also, House Bill No. 285, entitled "An Act divorcing Camelie E. Woodhull and Stephen Y. Woodhull."

Read a first and second time.

Rules suspended,

Read a third time and

Passed.

The title was agreed to.

Mr. Bartlett introduced House Bill No. 286, entitled "An Act divorcing Olive Smith and Samuel Smith."

Read a first and second time, and

Referred to Committee on Judiciary.

Also, House Bill No. 287, entitled "An Act divorcing Amanda Wiley from Dexter Wiley."

Read a first and second time, and

Referred to Committee on Judiciary.

Mr. McMath introduced House Bill No. 288, entitled "An Act defining the mode of laying out and establishing roads."

Read a first and second time, and

Laid on the table, under the rules.

Mr. Sheldon introduced House Bill No. 289, entitled "An Act to charter a ferry across the Neosho river, near Ottumwa."

Read a first and second time, and

Referred to Committee on Corporations.

Mr. Robertson introduced House Bill No. 290, entitled "An Act respecting the duties of County and Township Officers."

Read a first and second time, and

Referred to Committee on Judiciary.

House Bill No. 291, entitled "An Act legalizing the assessment made by William G. Owen."

Read a first and second time, and

Referred to the Committee on Judiciary.

Mr. McMath introduced House Bill No. 292, entitled "An Act to repeal an Act to restrain Dram Shops and Taverns, and regulate the sale of Intoxicating Liquors."

Read a first time, and

Indefinitely postponed.

On motion of Mr. Heath,

The House adjourned.

GUSTAVUS A. COLTON,
Speaker of the House of Representatives.

M. W. DELAHAY,
Chief Clerk.

FRIDAY, February 10, 1860,
9 o'clock, A. M.

House called to order by the Speaker *pro tem.*

Prayer by the Rev. Mr. Brown.

Roll called.

Absentees, Messrs. Brown, Blake, Brooks, Cornwell, Dutton, Knowles, Lynde, Murphy, Morton, Noel, Parks, Reynolds Rankin, Sims, Sheldon, Wright, Wagstaff and Wood.

Journal of yesterday was read and approved.

Mr. Parks offered the following resolution, which was lost:

Resolved, That from and after the 15th inst., no Bills of a private nature shall be introduced into this House.

The yeas and nays were ordered:

Yeas—16. Nays—17.

Yeas, Messrs. Brown, Bartlett, Cornwell, Cave, Dutton, Knowles, Lindsay, McMath, Noel, Parks, Robertson, Steward, Scott, Sopris, Vanderslice and Whitehead.

Nays, Messrs. Brooks, Chandler, Canniff, Elliott, Fitzpatrick, Heath, Jones, Lombard, Lynde, Morton, Nelson, Pierce, Rankin, Shively, Sheldon, Wagstaff and Wood.

Mr. Nelson offered the following resolution:

Resolved, That the afternoon session of each day be devoted to the consideration of Bills of a general nature, exclusively.

Mr. Wood moved to amend by striking out "afternoon."

Mr. Heath moved to lay the whole subject upon the table.

Carried.

Message from the Council:

MR. SPEAKER:—I am directed to notify the House that the Council have agreed to the report of the Committee of Conference on House Bill No. 4, entitled "An Act to provide for the location of the county seat of Allen county." The report of the Committee is appended:

Your Committee, appointed to confer with the Committee on the part of the House of Representatives, in relation to the amendments of the Council to House Bill No. 1, entitled "An Act to provide for the location of the county seat of Allen county," having been in conference, beg leave to report that the Committee on the part of the Council agree to recede from all the Council amendments, except striking out the word "permanent."

The Committee on the part of the House agree that the word "permanent" be stricken out.

Your Committee recommend the concurrence of the Council to the compromise of the Conference Committee.

Signed, G. M. BEEBE,
J. B. WOODWARD.

Also, that the Council have passed House Bill No. 96, entitled "An Act incorporating the City of Quindaro," without amendment.

Also, Council Bill No. 127, entitled "An Act to divorce William H. Russell and Jannett Russell."

Also, Council Bill No. 126, entitled "An Act to charter a ferry across the Kansas River at Sec. 25, Town 11, Range 23."

Your concurrence is invited.

JOHN J. INGALLS,
Secretary.

On motion of Mr. Nelson,

The rules were suspended, and all Bills on second reading, were

Read a second time by title, that they might be referred to their appropriate committees.

Council Bill No. 83,

Referred to Committee on County Lines.

Council Bill No. 100,

Referred to Committee on Incorporations.

Council Bill No. 101,

Referred to Committee on Incorporations.

Council Bill No. 88,

Referred to Committee on Incorporations.

House Bill No. 221, entitled "An Act to restrain intercourse with Indians," was taken up, and

Read a second time.

Mr. Wood moved to strike out section 2 in the Bill, upon which Mr. Scott demanded the previous question, which was sustained.

The question recurring upon the motion of Mr. Wood to strike out section 2, it was

Lost.

Rules suspended, and

Bill read the third time, and

Being upon its final passage, the yeas and nays were ordered.

Yeas—26. Nays—6.

Yeas, Messrs. Brown, Bartlett, Brooks, Chandler, Cave, Dutton, Fitzpatrick, Heath, Jones, Lynde, Lindsay, Morton, Noel, Nelson, Parks, Pierce, Robertson, Rankin, Steward, Sims, Shively, Sheldon, Scott, Vanderslice, Whitehead and Wagstaff.

Nays, Messrs. Cornwell, Knowles, Lombard, McMath, Sopris and Wood.

Bill passed.

The title was agreed to.

House Bill No. 97, entitled "An Act to provide for the issue of duplicate Territorial Warrants in certain cases," was taken up, and

Bill read the second time.

Mr. Sims moved to amend, inserting after the word "by" and before the word "affidavit" the word "his," and after the word "affidavit" the words "and other sufficient testimony."

The amendments was adopted.

The rules suspended, and

Bill read the third time and

Passed.

The title was agreed to.

On motion of Mr. Wood, the Bills on the calendar were taken up in their order.

House Bill No. 46, entitled "An Act to prohibit Free Negroes from coming into the Territory," was taken up with the substitute, House Bill 211.

Mr. Scott moved to postpone the subject and make it a special order of February 25, at ten o'clock, A. M.

Mr. Sopris moved to indefinitely postpone the whole subject.

Upon which the yeas and nays were ordered.

Yeas—16. Nays—15.

Yeas, Messrs. Brooks, Chandler, Canniff, Cornwell, Fitzpatrick, Lombard, Lindsay, Nelson, Pierce, Robertson, Rankin, Shively, Sheldon, Scott, Sopris and Whitehead.

Nays, Messrs, Brown, Bartlett, Cave, Dutton, Heath, Jones, Knowles, Lynde, McMath, Morton, Steward, Sims, Vanderslice, Wagstaff and Wood.

Bill indefinitely postponed.

House Bill No. 260, entitled "An Act repealing an Act to establish the office of Land District Recorder," was taken up.

Bill read a second time.

Mr. Morton moved to postpone the subject and make it a special order for two o'clock, P. M.

Carried.

Council Bill No. 42, entitled "An Act to change the time for holding the Spring Term of the District Court of Douglas county," was taken up.

Rule suspended.

Read a third time and

Passed.

Title was agreed to.

House Bill No. 32, entitled "An Act supplemental to an Act to incorporate the Town of Bloomington," was taken up, and

Read a second time.

Mr. Nelson moved that it be indefinitely postponed.

Mr. McMath demanded the previous question, which was sustained.

The yeas and nays ordered.

Yeas—19. Nays—12.

Yeas, Messrs. Brown, Cornwell, Cave, Fitzpatrick, Jones, Knowles, Lynde, Lindsay, McMath, Noel, Nelson, Pierce, Robertson, Steward, Sims, Shively, Scott, Vanderslice and Wagstaff.

Nays, Messrs. Bartlett, Brooks, Chandler, Dutton, Elliott, Heath, Lombard, Rankin, Sheldon, Sopris, Whitehead and Wood.

Bill was indefinitely postponed.

House Bill No. 92, entitled "An Act legalizing the official acts of J. N. Hart," was taken up.

Read a second time.

Rule suspended,

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 158, entitled "An Act legalizing the acts of F. M. Stumbo," was taken up.

On motion of Mr. Wood, the amendments of the Council were concurred in.

House Bill No. 68, entitled "An Act to extend the time for the completion of a Bridge across the Wakarusa," was taken up.

Rule suspended.

Read a third time and

Passed.

The title was agreed to.

House Bill No. 74, entitled "An Act to incorporate the Ottumwa College Association," was taken up.

Rules suspended.

Read a third time and

Passed.

The title was agreed to.

House Bill No. 9, entitled "An Act to amend an Act entitled 'An Act relating to Counties and County Officers,'" was taken up; and,

On motion of Mr. Wood, was indefinitely postponed.

House Bill No. 8, entitled "An Act exempting certain property from sale on execution or other process," was taken up.

Mr. Heath moved that the Bill be indefinitely postponed.

Mr. Rankin demanded the previous question, which being sustained,

The question recurred upon the motion of Mr. Heath, to indefinitely postpone the Bill.

Upon which the yeas and nays were ordered.

Yeas—18. Nays—14.

Yeas, Messrs. Chandler, Cornwell, Cave, Dutton, Heath, Lindsay, Pierce, Robertson, Rankin, Steward, Sims, Shively, Sheldon, Scott, Sopris, Whitehead and Wagstaff.

Nays, Messrs. Brown, Bartlett, Canniff, Elliott, Jones, Knowles, Lynde, McMath, Morton, Noel, Nelson, Parks and Wood.

So the Bill was indefinitely postponed.

House Bill No. 112, entitled "An Act to authorize the City of Wyandott, to sell and convey certain Real Estate," was taken up, and

Read the second time.

Mr. Bartlett moved to recommit the Bill to the Committee on Judiciary.

Mr. McMath moved to lay the motion upon the table.

Lost.

The question recurring upon the motion of Mr. Bartlett, to recommit the Bill to the Committee on Judiciary, it was

Carried.

Mr. Rankin introduced House Bill No. 294, "An Act relating to stock."

Rules suspended.

Read a first time.

Mr. Wood moved that the Bill be indefinitely postponed.

Lost.

Mr. Lindsay moved to suspend the rules that the Bill might be referred to its appropriate committee.

Carried.

Bill read a second time and

Referred to Committee on Agriculture.

House Bill No. 197, entitled "An Act authorizing the County Superintendent of Common Schools in Jackson County, to appoint a Deputy," was taken up.

Mr. Steward moved that the rules be suspended, that the Bill might be read a third time.

Mr. Scott moved to indefinitely postpone the Bill.

Mr. Nelson moved that it be postponed and made the special order of the 25th of February, at 2 o'clock.

Carried.

House Bill No. 200, entitled "An Act making citizens of certain Indians in Kansas Territory," was taken up.

Read a second time.

Mr. Scott offered the following as an amendment, which was adopted:

Provided, That nothing herein contained, shall be so construed to confer the rights of suffrage on any Indian.

On motion of Mr. Wood, the words "or shall hereafter," after the word "been" in section first, were stricken out.

On motion of Mr. Sims, the word "families" was inserted after the word "severally."

Bill read the third time and

Passed.

The title was agreed to.

Council Bill No. 82, entitled "An Act relating to Executions returned not satisfied," was taken up.

Read a second time.

Rules suspended.

Read a third time and

Passed.

Title was agreed to.

On motion of Mr. Nelson,

The House adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

Mr. Wood, from the Committee on Judiciary, submitted the following report:

MR. SPEAKER:—The Judiciary Committee, to whom was referred House Bill No. 274, entitled "An Act divorcing Clara L. Crane from Orlando M. Crane," have had the same under consideration, and instruct me to report the same back to the House and recommend its passage.

S. N. WOOD, Chairman.

The report was agreed to.

Mr. Fitzpatrick offered the following resolution, which was adopted:

Resolved, That the President and Sergeant-at-Arms of the Wyandott Constitutional Convention, are hereby requested to report to this House, on or before the 15th inst., a detailed statement of all the expenses to the Territory of said Convention, setting forth each person to whom allowances have been made, and the items in detail for which such allowance was made.

House Bill No. 291 was taken up, entitled "An Act legalizing the assessment of Wm. J. Oreno."

Read a third time and

Passed.

The title was agreed to.

House Bill No. 41, entitled "An Act changing the lines of Chase County," was taken up.

Mr. Parks moved a call of the House.

The call was ordered, and the Sergeant-at-Arms instructed to bring in absentees, which being done,

On motion of Mr. Lombard, further proceedings under the call were dispensed with.

The consideration of House Bill No. 41, was resumed, the Bill was

Read a third time.

Mr. Elliott moved to postpone the subject for one week.

Mr. McMath moved to lay the motion upon the table.

Upon which the yeas and nays were demanded.

Yeas—7. Nays—23.

Yeas, Messrs. Knowles, Lynde, McMath, Morton, Pierce, Robertson and Wood.

Nays, Messrs. Brown, Blake, Chandler, Canniff, Cornwell, Cave, Elliott, Fitzpatrick, Heath, Jones, Lombard, Lindsay, Noel, Parks, Rankin, Steward, Sims, Shively, Sheldon, Scott, Vanderslice, Whitehead and Wagstaff.

So the motion to lay upon the table was

Lost.

Message from the Council:

Mr. Speaker:—I am directed to notify the House that the Council have concurred in House amendments to Council Bill No. 17, entitled "An Act to locate the County Seat of Franklin County.

JOHN J. INGALLS,
Secretary.

Mr. Knowles demanded the previous question upon the motion to postpone.

The question being put on the motion of Mr. Elliott, it was

Lost.

The vote being taken upon the final passage of the Bill,

The result was as follows:

Yeas—14. Nays—18.

Those voting in the affirmative were

Messrs. Bartlett, Brooks, Canniff, Lynde, Murphy, McMath, Morton, Noel, Nelson, Pierce, Robinson, Shively, Sheldon and Wood.

Those voting in the negative were

Messrs. Brown, Blake, Chandler, Cornwell, Cave, Elliott, Fitzpatrick, Knowles, Lombard, Lindsay, Parks, Rankin, Steward, Sims, Scott, Sopris, Vanderslice and Whitehead.

So the Bill was lost.

Mr. Sims moved that Mr. Heath be excused from voting.

Carried.

Mr. Nelson moved that Mr. Jones be excused from voting.

Carried.

Mr. Knowles offered the following resolution, which was adopted:

Resolved, That the Hon. G. A. Crawford be invited to a seat within the bar of this House.

Mr. Lindsay offered the following resolution:

Resolved, That Judge J. Y. Campbell be invited to a seat within the bar of the House.

Adopted.

The special order being House Bill No. 260, entitled "An Act repealing 'An Act to establish the office of Land District Recorder,'" it was taken up, and

On motion of Mr. Rankin, was postponed for fifteen minutes, and

House Bill No. 285, entitled "An Act relating to Counties and County Officers," was taken up.

Mr. Parks moved to add to section 128, as follows:

"And the city of Leavenworth is hereby authorized to hold an election in its various wards, on said 4th Monday of March, 1860, for the purpose of voting for county commissioners, the same to be governed by the general election law of this Territory, and according to the provisions of this Act, in all respects whatsoever.

The amendment was adopted.

The Bill was then read a third time, and

Being upon its final passage, the yeas and nays ordered.

Yeas—32. Nays—1.

Yeas, Messrs. Brown, Brooks, Chandler, Canniff, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lombard, Lynde, Lindsay, Murphy, McMath, Morton, Noel, Parks, Pierce, Robertson, Rankin, Steward, Sims, Shively, Scott, Sopris, Vanderslice, Wood, Whitehead and Wagstaff.

Nays, Mr. Bartlett.

So the Bill passed.

The title was agreed to.

Mr. Nelson, by consent, was excused from voting.

Mr. Wood asked to be excused from serving longer on the Judiciary Committee.

Refused.

Special order being House Bill No. 260, entitled "An Act repealing 'An Act to establish the office of Land District Recorder,'" it was resumed and read for information.

Mr. Morton offered a substitute to the Bill, which was read.

Mr. Morton moved to adopt the substitute in place of the original Bill.

Mr. Nelson moved to lay the substitute upon the table.

Upon which the yeas and nays were ordered.

Yeas—15. Nays—17.

Yeas, Messrs. Brown, Cornwell, Cave, Lombard, Lynde, Murphy, McMath, Noel, Nelson, Robertson, Sims, Sopris, Vanderslice, Whitehead and Wagstaff.

Nays, Messrs. Brooks, Chandler, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lindsay, Morton, Parks, Pierce, Rankin, Steward, Shively, Scott and Wood.

So the motion to lay upon the table was lost.

Mr. Sims offered the following as an amendment to the substitute:

Amend by striking out of 6th section, these words, "out of the Territorial treasury," and insert in lieu thereof, these words, "by the respective grantees in the deeds of which an abstract is made."

Mr. Nelson demanded the previous question, which was sustained.

The question being upon the adoption of the amendment, as substitute, by Mr. Sims,

The yeas and nays were ordered.

Yeas—19. Nays—14.

Those voting yea were

Messrs. Brown, Cornwell, Fitzpatrick, Jones, Lombard, Lindsay, McMath, Nelson, Parks, Robertson, Steward, Sims, Shively, Sheldon, Scott, Sopris, Vanderslice, Whitehead and Wagstaff.

Nays, Messrs. Bartlett, Brooks, Chandler, Canniff, Cave, Dutton, Elliott, Heath, Knowles, Lynde, Morton, Pierce, Rankin and Wood.

So the amendment was adopted.

Mr. Heath appealed from the decision of the Chair in relation to the ruling of the Chair, on demand for the previous question.

Upon which the yeas and nays were ordered.

Yeas—20. Nays—11.

Those voting yea were

Messrs. Brown, Bartlett, Chandler, Canniff, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lindsay, Morton, Noel, Pierce, Robertson, Steward, Sims, Sheldon, Scott, Sopris and Whitehead.

Nays, Messrs. Brooks, Cornwell, Cave, Heath, Lombard, McMath, Nelson, Parks, Rankin, Vanderslice and Wood.

So the Chair was sustained.

Mr. Knowles demanded the previous question, which was sustained.

The question being upon the adoption of the substitute as amended,

The yeas and nays were ordered.

Yeas—20. Nays—13.

Yeas, Messrs. Brown, Bartlett, Brooks, Chandler, Canniff, Cave, Fitzpatrick, Heath, Jones, Knowles, Lindsay, Morton, Pierce, Robertson, Rankin, Steward, Sims, Shively, Sopris and Wood.

Nays, Messrs. Cornwell, Dutton, Lombard, Lynde, McMath, Noel, Nelson, Parks, Sheldon, Scott, Vanderslice, Whitehead and Wagstaff.

So the substitute, as amended, was adopted.

Mr. Wood moved that the Bill be read a third time.

Carried.

The Bill being upon its final passage,

The yeas and nays were ordered.

Yeas—23. Nays—10.

Yeas, Messrs. Bartlett, Brooks, Chandler, Canniff, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Morton, Nelson, Pierce, Robertson, Rankin, Steward, Sims, Shively, Sheldon, Sopris and Wood.

Nays, Messrs. Lombard, Lynde, Lindsay, McMath, Noel, Parks, Scott, Vanderslice, Whitehead and Wagstaff.

So the Bill passed.

The title was agreed to.

Mr. Brooks, from the Committee on Corporations, submitted the following report:

The Committee on Corporations having had under consideration Council Bill No. 89, entitled "An Act to incorporate the Central Overland California and Pike's Peak Express Company," beg leave to report the same without amendment and recommend its passage.

P. R. BROOKS, Chairman.

The report was agreed to.

Council Bill No. 89 was taken up.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 282, entitled "An Act divorcing James H. Crawford and Melinda E. Crawford," was taken up.

Mr. Rankin moved to lay the Bill upon the table.

Lost.

The Bill was read a third time, and

Passed.

The title was agreed to.

Message from the Council:

MR. SPEAKER:—I am directed to notify the House that the Council have passed Council Bill No. 90, entitled "An Act to charter a ferry across the Smoky Hill river."

Also, Council Bill No. 97, entitled "An Act to charter a ferry across the Kansas river."

Also, Council Bill No. 107, entitled "An Act to charter a ferry at Eudora City."

Also, Council Bill No. 122, entitled "An Act to divorce Bailey Smith."

Also, House Bill No. 129, entitled "An Act establishing Highways in the county of Brown," with the following amendment: After fifth line of section 1, read, "and said section line shall be the centre of such public highway."

Also, House Bill No. 48, entitled "An Act incorporating the Louisville Town Company."

Also, House Bill No. 38, entitled "An Act to establish a ferry at the town of Montana, in Arrapahoe county."

Also, House Bill No. 136, entitled "An Act to incorporate the North Western Mining Company," with the following amendment to section 2: "That for the ready transportation of the produce of such mines and manufactures, the said Company shall have power to survey, locate, establish and construct plank roads, turnpike roads, railroads and other roads, from the said works and premises of said company, to such point or points or depots, as, by said company, may be deemed necessary for the purpose of mining and manufacturing as aforesaid, and may charge a reasonable compensation for the use of the same, by other persons, corporations or companies."

Your concurrence is invited.

JOHN J. INGALLS,
Secretary.

On motion of Mr. Wood, the Bills on the calendar were taken up in their order.

House Bill No. 22, entitled "An Act to organize the county of Washington," was taken up, and

Read a second time.

Mr. Pierce offered the following amendment, which was adopted. Amendment to section 2:

"For, by the general laws of the Territory, regulating counties and county officers."

Mr. Pierce offered the following, as an amendment to section six, which was adopted:

"This Act to take effect and be in force from and after the 2d Monday of April."

Rules suspended.

Bill read a third time and

Passed.

Title agreed to.

House Bill No. 136, entitled "An Act to incorporate the North Western Mining Company," was taken up, and,

On motion of Mr. Sopris, the amendments of the Council were concurred in by the House.

Mr. Wood offered the following resolution, which was adopted:

Resolved, That the Speaker *pro tem.* of this House, be and is hereby authorized to sign all Bills that may be presented to him, properly enrolled, until the Speaker shall again take the chair.

Mr. Heath offered the following resolution, which was adopted:

Resolved, That when any Bill has been made the special order for any given time, such special order cannot be postponed, except by a vote of two-thirds of the members present.

Council Bill No. 47, entitled "An Act to organize the county of Saline, and define the boundaries thereof," was taken up.

Mr. Wood moved to refer the Bill to a Select Committee of three.

Upon which the yeas and nays were ordered.

Yeas—13. Nays—14.

Yeas, Messrs. Bartlett, Chandler, Canniff, Cave, Fitzpatrick, Jones, Lombard, McMath, Steward, Sheldon, Sopris, Vanderslice and Wood.

Nays, Messrs. Brooks, Cornwell, Dutton, Elliott, Heath, Knowles, Lynde, Lindsay, Nelson, Parks, Robertson, Scott, Whitehead and Wagstaff.

So the motion to refer the Bill was lost.

Mr. Wood moved that the Bill be postponed, and made the special order of Wednesday next, at ten o'clock.

Carried.

On motion of Mr. Nelson, House Bill No. 103, entitled "An Act to organize the county of Washashee," was postponed, and made the special order of the 19th of February, at ten o'clock, A. M.

Council Bill No. 25, entitled "An Act regulating the interest of money," was taken up, and

Read a third time.

The Bill being upon its final passage,

The yeas and nays were ordered.

Yeas—18; Nays—11.

Yeas, Messrs. Brooks, Chandler, Canniff, Cornwell, Gave, Elliott, Fitzpatrick, Heath, Jones, Nelson, Pierce, Steward, Sims, Shively, Sheldon, Scott, Whitehead and Wood.

Nays, Messrs. Dutton, Knowles, Lombard, Lynde, Lindsay, McMath, Noel, Robertson, Sopris, Vanderslice and Wagstaff.

So the Bill passed,

The title was agreed to.

Mr. Brooks introduced House Bill No. 293, entitled "An Act to establish a ferry across the Kansas river, at the town of De Soto, in Johnson county."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Incorporations.

Mr. Rankin introduced House Bill No. 294, entitled "An Act relating to stock."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Agriculture.

Mr. Elliott introduced House Bill No. 295, entitled "An Act to provide for a new assessment of taxes in Breckenridge county, for the year A. D. 1859."

Read a first time.

Rules suspended.

Read a second time, and

Referred to the Committee on Judiciary.

On motion of Mr. Brooks,

The House adjourned.

GUSTAVUS A. COLTON,
Speaker of the House of Representatives.

M. W. DELAHAY,
Chief Clerk.

SATURDAY, February 11, 1860,
9 o'clock, A. M.

House called to order by the Speaker *pro tem.*

Roll called.

Absent, Messrs. Brown, Brooks, Canniff, Cornwell, Noel, Parks, Reynolds, Rankin, Sims, Shively, Wright, Wagstaff and Mr. Speaker.

Journal of yesterday was read and approved.

Mr. Whitehead presented a petition of citizens of Palermo, to incorporate the city of Palermo.

Referred to Special Committee, consisting of Messrs Whitehead, Morton and Murphy.

Mr. Scott arose to a question of privilege, and introduced a communication of the Reporter of the Leavenworth Daily *Herald*, which was read from the clerk's desk.

Mr. Brooks offered the following resolution:

WHEREAS, A gross breach of the privileges of this House has been made by the Reporter of the Leavenworth Daily *Herald*, Mr. D. Scully, in his letter to that paper, grossly misrepresenting members of this House; therefore,

Resolved, That the said Reporter be excluded from the privileges heretofore granted him, on the floor of this House.

Mr. Brown moved to lay the resolution upon the table.

Mr. Sims moved to amend by laying upon the table until Monday next.

The yeas and nays were demanded, which resulted in

Yeas—16. Nays—20.

Yeas, Messrs. Brown, Blake, Bartlett, Chandler, Cornwell, Cave, Lombard, Noel, McMath, Parks, Pierce, Steward, Sims, Sopris, Vanderslice, Whitehead and Wagstaff.

Nays, Messrs. Brooks, Canniff, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lynde, Lindsay, Murphy, Morton, Nelson, Robertson, Rankin, Shively, Sheldon, Scott and Wood.

So the amendment was lost.

The question recurring upon the question of Mr. Brown, to lay the resolution upon the table, the yeas and nays were demanded.

Yeas—16. Nays—20.

Those voting in the affirmative were

Messrs. Brown, Blake, Cornwell, Cave, Fitzpatrick, Lombard, McMath, Noel, Parks, Sheldon, Scott, Sopris, Vanderslice, Whitehead, Wagstaff and Wood.

Those voting in the negative were

Messrs. Bartlett, Brooks, Chandler, Canniff, Dutton, Elliott, Heath, Jones, Knowles, Lynde, Lindsay, Morton, Murphy, Nelson, Pierce, Robertson, Rankin, Steward, Sims and Shively.

So the motion to lay upon the table was lost.

Mr. Sims moved to postpone the subject until 2 o'clock on Tuesday next.

Mr. Wood moved to lay the motion upon the table.

The yeas and nays were demanded, which resulted in

Yeas—16. Nays—20.

Yeas, Messrs. Bartlett, Brooks, Canniff, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lynde, Lindsay, Morton, Nelson, Rankin, Scott and Wood.

Nays, Messrs. Brown, Blake, Chandler, Cornwell, Cave, Lombard, Murphy, McMath, Noel, Parks, Pierce, Robertson, Steward, Sims, Shively, Sheldon, Sopris, Vanderslice, Whitehead and Wagstaff.

So the motion was lost.

The question recurring upon the motion of Mr. Sims, to postpone the subject until Tuesday next, at two o'clock,

Mr. Wood demanded the previous question, which was sustained.

Yeas—18. Nays—18.

Yeas Messrs. Brown, Blake, Bartlett, Chandler, Cornwell, Cave, Fitzpatrick, Lombard, Murphy, McMath, Noel, Parks, Robertson, Sims, Sopris, Vanderslice, Whitehead and Wagstaff.

Nays, Messrs. Brooks, Canniff, Dutton, Elliott, Heath, Jones, Knowles, Lynde, Lindsay, Morton, Nelson, Pierce, Rankin, Steward, Sheldon, Shively, Scott and Wood.

There being a tie vote, the Speaker declared that the motion to postpone was lost.

The question recurring upon the adoption of the resolution offered by Mr. Brooks,

The yeas and nays were demanded,

Yeas—19. Nays—17.

Yeas, Messrs. Bartlett, Brooks, Chandler, Canniff, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lynde, Lindsay, Morton, Pierce, Robertson, Rankin, Shively and Scott.

Nays, Messrs. Brown, Blake, Cornwell, Cave, Lombard, Murphy, McMath, Noel, Nelson, Parks, Steward, Sims, Sopris, Vanderslice, Whitehead, Wagstaff and Wood.

So the resolution was adopted.

Mr. Bartlett presented a remonstrance of 24 legal voters of Wabaunsee county, against any division of said county.

Referred to Committee on County Lines.

Mr. Elliott presented the proceedings of a mass meeting of the citizens of Breckenridge county, against a new county out of portions of Breckenridge and Madison counties.

Referred to Committee on County Lines.

Mr. Knowles introduced House Bill No. 305, entitled "An Act to incorporate the Fort Scott Town Company."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Incorporations.

Also, House Bill No. 3 6, entitled "An Act to incorporate the Fort Scott Bridge and Ferry company."

Read a first time,

Rules suspended.

Read a second time, and

Referred to Committee on Incorporations.

Mr. Whitehead introduced House Bill No. 296, entitled "An Act supplemental to an Act entitled 'An Act to incorporate the city of Palermo.'"

Read a first time,

Rules suspended.

Read a second time, and

Referred to Select Committee.

Mr. Chandler introduced House Bill No. 307, entitled "An Act to provide for a vote on the County Seat of Riley county."

Read a first time,

Rules suspended.

Read a second time, and

Referred to Committee on County Lines.

Mr. Fitzpatrick presented a petition of Abby W. Allen, for a divorce from James Allen."

Also, House Bill No. 297, entitled "An Act divorcing Abby Allen from James Allen.

Read a first time,

Rules suspended.

Read a second time, and

Referred, with the petition, to the Committee on Judiciary.

Mr. Brooks presented a petition, of Henry Hart, praying for a divorce from Henrietta Hart."

Also, House Bill No. 99, entitled "An Act divorcing Henry Hart and Henrietta Hart."

Read a first time,

Rules suspended.

Read a second time, and

Referred, with the petition, to the Committee on Judiciary.

Message from the Council:

Mr. Speaker:—I am directed to notify the House that the Council have passed Council Concurrent Resolution No. 9, in reference to memoralizing Congress for admission into the Union.

Your concurrence is desired.

JOHN J. INGALLS,
Secretary.

Mr. Cornwell offered the following resolution:

Resolved, By the House of Representatives, the Council concurring, that the Legislative Assembly adjourn *sine die* on Wednesday, the 23d of February, A. D., 1860, at 12 o'clock M., of said day.

Resolved further, That no new business be introduced into either branch of the Legislative Assembly, after Wednesday, the 15th day of February, A. D., 1860.

Resolution laid over under the rules.

Mr. Shively introduced House Bill No. 300, entitled "An Act to build and establish a Bridge across the Marais des Cygnes river at Peoria City."

On motion of Mr. Shively, the

Rules were suspended, and

Bill read a second and third time, and

Passed.

Mr. Sims, from the Committee on Enrolled Bills, submitted the following report:

Mr. Speaker:—The Committee on Enrolled Bills, having examined House Bill No. 4, entitled "An Act to provide for the location of the County Seat of Allen county."

Also House Bill No. 1.8, entitled "An Act to legalize the acts of Frederick M. Stumbo, acting Justice of the Peace in the Township of Blue Rapids, Marshall county."

Also, House Bill No. 96, entitled "An Act to amend an Act entitled 'An Act incorporating the city of Quindaro,'" find the same correctly enrolled.

C. SIMS, Chairman.

Mr. Lynde asked that the Chief Clerk be allowed leave of absence until Monday next.

Leave was granted.

Mr. Elliott introduced House Bill No. 298, entitled "An Act divorcing William Perry and Lucy A. Perry."

Read a first time.

Rules suspended.

Read a second time, and

Referred to the Committee on Judiciary.

Mr. Cave introduced House Bill No. 301, entitled "An Act concerning County Jails."

Also, House Bill No. 302, entitled "An Act to amend an Act regulating the Jurisdiction and Procedure before Justices of the Peace, and of the duties of Constables in Civil Cases."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Judiciary.

Mr. Lindsay, from Committee on Agriculture and Manufactures, submitted the following report:

The Committee on Agriculture and Manufactures, would respectfully report: That they have had under consideration House Bill No. 232, entitled "An Act regulating the hours of Manual Labor," and report it back, without amendment, and recommend its passage.

Also, House Bill No. 160, entitled "An Act regulating Inclosures," and recommend its indefinite postponement.

Also, House Bill No. 188, entitled "An Act incorporating the Coffey County Agricultural Association," and report it back and recommend its passage.

Also, House Bill No. 98, entitled "An Act to provide for the keeping up of Stock at night," and recommend its indefinite postponement.

Also, House Bill No. 99, entitled "An Act to prevent the introduction of Diseased Cattle," and recommend its passage, with the following amendment: In section 1st, tenth line, strike out "June" and insert "May." Section 2d, fourth line, strike out "sheriff" and insert "any constable."

Also, Council Bill No. 67, entitled "An Act for the encouragement of Agriculture and the Mechanic Arts," and recommend its passage.

E. LINDSAY, Chairman.

The report was accepted.

Mr. Brooks, from Committee on Corporations, submitted the following report:

The Committee on Corporations and Banking, having had under consideration House Bill No. 276, entitled "An Act to incorporate the Jefferson Quartz Mining Company."

Also, House Bill No. 248, entitled "An Act to incorporate the First Methodist Episcopal Church of Leavenworth, Kansas."

Also, House Bill No. 249, entitled "An Act to establish a ferry across the Missouri river, at the town of Kickapoo."

Also, House Bill No 128, entitled "An Act to amend an Act to incorporate the Wyandott and Osawatomie Railroad Company."

Also, House Bill No. 225, entitled "An Act to incorporate the University of Paola."

Also, House Bill No. 234, entitled "An Act to incorporate the Neosho Falls Cemetery Association."

Also, Council Bill No. 85, entitled "An Act to charter a ferry across the Arkansas river."

Also, House Bill No. 245, entitled "An Act for the relief of Asahel Beach and others."

Also, Council Bill No. 62, entitled "An Act to incorporate the town of Irving."

Also, House Bill No. 261, entitled "An Act to incorporate the Carlyle Town Company."

Also, House Bill No. 226, entitled "An Act to incorporate the Paola Mercantile Library and Literary Association."

Also, House Bill No. 257, entitled "An Act to incorporate Grasshopper Falls Lodge, No. 21, of Ancient Free and Accepted Masons."

Also, House Bill No. 277, entitled "An Act to incorporate the Wabaunsee County Agricultural Society"

Also House Bill No. 217, entitled "An Act to charter a ferry across the Kansas river, at or near the mouth of the Wakarusa river."

Also, House Bill No. 265, entitled "An Act incorporating the Douglas County Agricultural and Mechanical Society."

Also, House Bill No. 250, entitled "An Act to establish a ferry across the Big Blue river."

Report the same, and recommend their passage, without amendment.

P. R. BROOKS, Chairman.

The Committee on Corporations, having had under consideration Council Bill No. 30, entitled "An Act to establish a Toll Bridge across Monument creek," report the same and recommend its passage, with the following amendments, to wit:

In section 1, strike out "twenty" and insert "ten."

In section 2, strike out "five" and insert "two."

Strike out section 3 and insert "Sec. 3. The rates of toll over said Bridge shall be fixed and regulated by the tribunal transacting county business in the county of Arrapahoe."

Add "Sec. 4. A failure to complete said bridge within two years from the passage of this Act shall work a forfeiture of this charter."

P. R. BROOKS, Chairman.

The Committee on Corporations, having had under consideration Council Bill No. 29, entitled "An Act to charter a Ferry across the Fountaine qui Bouille river, in Kansas Territory," report the same with amendments and recommend its possage.

Amendments: In section 1, strike out the word "twenty" and insert the word "ten."

Add after section 4, "Sec. 5. Said ferry shall be in successful operation within one year from the passage of this Act."

Change section 5 to section 6.

P. R. BROOKS, Chairman.

The Committee on Corporations having had under consideration House Bill No. 182, entitled "An Act to authorize Simon Ritter to erect a Toll Bridge over the South Platte river," at a point herein named, in the Territory of Kansas, and for other purposes," report the same and recommend its passage, with the following amendments, to wit:

In section 1, after the words "Simon Ritter," insert the name of "Phillip W. Woodward."

In section 2, strike out all after the words "the same" and insert "such rates as may be fixed by the tribunal transacting county business in the county of Arrapahoe."

Fill the blank in section 3, with the word "ten."

Add "Sec. 4. A failure to complete said bridge within two years from the passage of this Act shall work a forfeiture of this charter."

Add "Sec. 5. This Act shall be in force from and after passage."

P. R. BROOKS, Chairman.

The Committee on Corporations having had under consideration House Bill No. 193, entitled "An Act to incorporate the city of Bellmont," report the same and recommend its reference to a Committee consisting of the Doniphan county delegation.

P. R. BROOKS, Chairman.

The Committee on Corporations and Banking, having had under consideration Council Bill No. 61, entitled "An Act to incorporate the Irving Town Company," report the same and recommend its passage, with the following amendment, to wit:

In section 2, strike out the words "six hundred and forty" and insert the words "three hundred and twenty."

P. R. BROOKS, Chairman.

The Committee on Corporations, having had under consideration House Bill No. 243, entitled "An Act to incorporate the Margaretta Town Company," report the same and recommend its passage, with the following amendment, to wit:

In section 2, strike out "640" and insert "320."

The Committee have also examined House Bill No. 236, entitled "An Act to incorporate the City of London Town Company," and report the same and recommend its reference to the Committee on Phraseology.

The Committee have also had under consideration House Bill No. 242, and recommend its passage with the following amendments:

In section 2, strike out "640" and insert "320."

Also, House Bill No. 227, entitled "An Act to incorporate the Blue River Bridge Company," which the Committee recommend to be referred to the Committee on Phraseology."

The Committee beg leave to report Council Bill No. 22, entitled "An Act to charter a Toll Bridge over the Pawnee Fork of the Arkansas river," and recommend its passage with amendments.

Amendments: In section 2, strike out "20" and insert "10."

Strike out section 3, and insert the following:

Sec. 3. The rates of toll over said bridge shall be fixed and regulated by the tribunal transacting county business in Arrapahoe county.

Add the following section to wit:

Sec. 4. That a failure to complete said bridge within eighteen months from the passage of this act, shall work a forfeiture of this charter.

Change section 4 to section 5

The Committee have had under consideration House Bill 241, which they report and recommend its passage with the following amendments to wit:

In section 2, strike out "5" and insert "2."

Strike out "section 3" and insert, "Sec. 3. The rates of toll for passing over said bridge shall be fixed and regulated by the tribunal transacting county business in Chase county."

Add: Sec. 5. A failure to complete said bridge within eighteen months from the passage of this act, shall work a forfeiture of this charter. Change section 5 to section 6.

The Committee on Corporation and Banking, having examined Council Bill No. 57, entitled "An Act to establish a ferry across the Marais des Cygnes River," instruct me to report the same to the House and recommend its passage with the following amendments, to wit:

In section 2, strike out the words "be allowed to."

P. R. BROOKS, Chairman.

The report was accepted.

On motion of Mr. Dutton,

The House adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

Message from the Council:

MR. SPEAKER:—I am directed to notify the House that the Council have passed House Bill No. 6, entitled "An Act to prohibit Slavery in Kansas Territory," with amendment.

JOHN J. INGALLS,
Secretary.

Mr. Elliott moved a call of the House.

The call was ordered, and the Sergeant-at-Arms directed to bring in absentees.

Absent, Messrs. Knowles, Canniff, Sheldon, Murphy, Morton, Sims, Cornwell, Heath, Wright, Brooks, Vanderslice, Wagstaff and Mr. Speaker.

The Sergeant-at-Arms returned with Messrs. Morton, Canniff, Sheldon and Brooks.

On motion of Mr. McMath, further proceedings under the call were dispensed with.

Mr. Whitehead, from Special Committee, on House Bill No. 193, submitted the following report:

We, the Special Committee, to whom was referred House Bill No. 193, entitled "An Act to incorporate the City of Bellmont, in Doniphan County," beg leave to report that they have examined the same and recommend its passage.

ROBERTSON,
WHITEHEAD, } Com'tte.
VANDERSLICE.

House Bill No. 193, entitled "An Act to incorporate the City of Bellmont," was taken up, and

Read a second time.

Rules suspended.

Read a third time and

Passed.

The title was agreed to.

Mr. Shively asked that he be granted leave to withdraw all the petitions relative to the county seat of Franklin County.

Leave was granted.

Mr. Chandler moved that the vote by which the House refused to pass House Bill No. 41, entitled "An Act relative to the boundary line of Chase county," be reconsidered.

Carried.

The Bill was passed over, informally, by consent of the House.

Mr. Rankin asked leave of absence until Monday night next.

Leave was granted.

Special order being Council Bill No. 47, entitled "An Act to organize the County of Saline, and define the boundaries thereof," it was taken up, and

Read a third time and

Passed.

The title was agreed to.

Council Bill No. 90, entitled "An Act to charter a Ferry across the Smoky Hill River," was taken up.

Read a first time.

Rules suspended and

Read a second and third time, and

Passed.

The title was agreed to.

Council Bills Nos. 97 and 107 were taken up, and

On motion of Mr. Nelson,

Read a second time and

Referred to Committee on Corporations.

Council Bill No. 122, was taken up, and

On motion of Mr. Brown,

Referred to a Select Committee of three, consisting of Messrs. Brown, Sopris and McMath.

House Bill No. 90, entitled "An Act to charter a Ferry across the Kansas River, at the Town of St. George, in Pottawatamie County," was taken up.

Read a third time and

Passed.

The title was agreed to.

House Bill No. 129, entitled "An Act establishing Highways in the County of Brown," was taken up, and

The amendments of the Council concurred in.

Council Bill No. 126, entitled "An Act to charter a Ferry across the Kansas river, at section 35, township 11, range 23," was taken up.

Read a second time, and

Referred to Committee on Incorporations.

Council Bill No. 27, entitled "An Act to divorce William H. Russell and Janette Russell."

Read a second time, and

Referred to Committee on Judiciary.

House Bill No. 105, "An Act to create a lien in favor of Mechanics and others," and

On motion of Mr. Wood, House Bills Nos. 106 and 46 were passed over informally.

Mr. McMath offered the following resolution:

Resolved, That all Bills of a general nature, on a first, second and third reading, shall be disposed of each day, in the order in which they are upon the calendar, before the House shall proceed to consider private Bills.

Mr. Sheldon moved to lay the resolution upon the table.

Carried.

House Bill No. 224, entitled "An Act amendatory to an Act entitled 'An Act regulating the Jurisdiction of Justices of the Peace, and the duties of Constables in Civil Cases," was taken up, and

On motion of Mr. Wood, was

Ordered to be engrossed.

House Bill No. 223, entitled "An Act to repeal all that portion of an Act entitled 'An Act to establish a Code of Civil Procedure,' approved Feb. 11th, 1859, relating to execution against the person," was taken up.

Mr. McMath moved to indefinitely postpone the Bill.

Mr. Sims, from Committee on Enrolled Bills, submitted the following report:

Mr. Speaker:—The Committee on Enrolled Bills, having examined House Bill No. 136, entitled "An Act to incorporate the North Western Mining Company," find the same correctly enrolled.

The question being upon the motion of Mr. McMath to indefinitely postpone the Bill,

The yeas and nays were demanded, which resulted in

Yeas—16. Nays—17.

Yeas, Messrs. Bartlett, Blake, Chandler, Fitzpatrick, Knowles, Lindsay, McMath, Pierce, Robertson, Steward, Sims, Shively, Sheldon, Scott, Whitehead and Wagstaff.

Nays, Messrs. Brown, Brooks, Cornwell, Cave, Dutton, Elliott, Heath, Jones, Lombard, Lynde, Morton, Noel, Nelson, Parks, Sopris, Vanderslice and Wood.

So the motion was lost.

Mr. Parks moved that Messrs. Morton and Fitzpatrick be allowed to vote.

Carried.

The Bill being upon its final passage,

The yeas and nays were ordered.

Yeas—15. Nays—19.

Yeas, Messrs. Brown, Brooks, Cornwell, Cave, Dutton, Elliott, Jones, Lombard, Lynde, Morton, Noel, Nelson, Parks, Sopris and Wood.

Nays, Messrs. Blake, Bartlett, Chandler, Canniff, Fitzpatrick, Heath, Knowles, Lindsay, McMath, Pierce, Robertson, Steward, Sims, Shively, Scott, Sheldon, Vanderslice, Whitehead and Wagstaff.

So the Bill was lost.

Message from the Governor:

EXECUTIVE OFFICE, K. T.,
Feb. 8, 1860.

To the Speaker of the House of Representatives :

I have this day approved House Bills, "An Act divorcing Peter Lenker and Sarah Lenker."

"An Act to incorporate the Town of Stanton."

"An Act to amend an Act entitled 'An Act to incorporate the Leavenworth, Lawrence and Fort Gibson Railroad Company,'" passed Feb. 12, 1858, and

"An Act divorcing Lucinda F. Gee and James M. Gee."

Respectfully,
S. MEDARY.

House Bill No. 246, entitled "An Act regulating the writ of *Ad quod Damnum*," was taken up, and

Read a third time, and

Passed.

The title was agreed to.

Mr. Morton introduced House Bill No. 303, entitled "An Act to amend 'An Act to protect the rights of Married Women.'"

Bill read the first time.

Rules suspended.

Read a second and third time, and

Passed.

The title was agreed to.

Mr. Lynde introduced House Bill No. 304, entitled "An Act legalizing the assessment of Taxes in Jefferson County"

Bill read a first time.

Rules suspended.

Read a second and third time, and

Passed.

The title was agreed to.

House Bill No. 181, entitled "An Act to authorize the county of Leavenworth to issue Bonds for Railroad purposes," was taken up.

Mr. Parks moved to lay the Bill upon the table.

Carried.

House Bill No. 10, "An Act to prevent the firing of Prairies, Marshes and Woodlands," was taken up, and

Read a third time.

Mr. Wood moved to indefinitely postpone the Bill.

Carried.

Council Bill No. 54, entitled "An Act to prevent the firing of Prairies, Marshes and Woodland," was taken up.

Read a third time, and

Passed.

The title was agreed to.

Council Bill No. 38, entitled "An Act to incorporate the Sopris City Town Company," was taken up.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 37, entitled "An Act to incorporate the Denver City, Auraria and Colorado Wagon and Road Company," was taken up.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 115, entitled "An Act to incorporate the Palermo Coal Mining Company," was taken up.

Read a third time, and

Passed.

The title was agreed to.

Council Bill No. 34, entitled "An Act to incorporate the St. John's Town Company," was taken up.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 84, entitled "An Act to incorporate the Stanton University," was taken up.

Read a third time and

Passed.

Title was agreed to.

House Bill No. 159, entitled "An Act to charter the Palmetto Bridge Company," was taken up.

Read a third time and

Passed.

The title was agreed to.

On motion of Mr. Brown, House Bill No. 181, entitled "An Act to authorize the county of Leavenworth to issue certain Bonds," was taken from the table.

Read a third time, and

Passed.

The title was agreed to.

Council Bill No. 40, entitled "An Act to incorporate the city of Troy," was

Referred to a Select Committee of two, consisting of Messrs. Robertson and Noel.

House Bill No. 121, entitled "An Act to incorporate the Wyandott Lodge, No. 3, of Free and Accepted York Masons," was taken up.

Mr. McMath moved that the report of the Committee be disagreed to.

Carried.

Bill read a third time, and

Passed.

The title was agreed to.

House Bill No. 120, "An Act to establish a Toll Bridge across the Platte river," was taken up.

Read a third time, and

On motion of Mr. Sopris, the Bill was

Referred to a Select Committe of two, consisting of Messrs. Sopris and Rankin.

House Bill No. 111, entitled "An Act to incorporate a Ferry at the city of Ogden," was taken up, and the amendments of the Committee on Corporations were concurred in.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 114, "An Act to charter a Ferry across the Missouri river, at the city of Quindaro," was taken up, and the amendments of the Committee on Corporations concurred in, and

The Bill indefinitely postponed.

House Bill No. 110, entitled "An Act to incorporate a Ferry at Manhattan," was taken up.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 116, entitled "An Act to incorporate the Smithton Lodge, No. 1, of Ancient Free and Accepted Masons," was taken up.

The report of the Committee on Corporations was adopted.

Bill read a third time, and

Passed.

The title was agreed to.

House Bill No. 41, "An Act changing the lines of Chase county," was taken up.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 88, was taken up, entitled "An Act to incorporate the Dayton Town Company."

The recommendations of the Committee on Corporations were agreed to.

The Bill was read a third time, and

Passed.

The title was agreed to.

House Bill No. 195, entitled "An Act amendatory to 'An Act to establish a Code of Civil Procedure.'" was taken up, and passed over informally.

House Bill No. 168, "An Act amendatory to an Act entitled 'An Act to restrain Dramshops and Taverns and to regulate the sale of Intoxicating Liquors,'" was taken up.

Mr. Brown moved to indefinitely postpone the Bill.

Carried.

House Bill No. 151, entitled "An Act to authorize the tribunal transacting county business in Johnson county, to issue Bonds," was taken up.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 148, entitled "An Act authorizing the collection of toll on the Bridge crossing the Wakarusa, on the Territorial road from Lawrence to Emporia," was taken up, and

Read a third time, and

Passed.

The title was agreed to.

Mr. Scott offered the following resolution, which was adopted:

Resolved, That a Committee of three be appointed to revise the election laws of this Territory, in such manner as to conform to the new system of county and township organization.

The Chair appointed as said Committee, Messrs. Scott, Wagstaff and Knowles.

Council Bill No. 56, entitled "An Act to legalize the acts of George Smith, a Justice of the Peace of Franklin township, Jackson county," was taken up.

Read a third time, and

Passed.

The title was agreed to.

Council Bill No. 65, entitled "An Act to incorporate the Junction City Cemetery Association," was taken up.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 153, "An Act divorcing Sarah Ann Johnson and D. B. Johnson," was taken up, and

Read a third time.

Mr. Parks moved to lay all Bills on the calendar, relating to divorces, upon the table.

Lost.

Mr. Wood offered the following as an amendment to the Bill, which was adopted:

That the bonds of matrimony now and heretofore existing between Sarah A. Johnson and D. B. Johnson, are dissolved, and the said parties restored to all their rights and privileges, as if the said marriage had never been contracted.

The Bill being read the third time,

Passed.

The title was agreed to.

House Bill No. 138, entitled "An Act divorcing Wm. B. Barr and Louisa Barr," was taken up.

Read a third time and

Passed.

House Bill No. 238, entitled "An Act to organize the county of Peketon," was taken up, and

On motion of Mr. Wood, was

Referred to a Select Committee of two, Messrs Wood and Shively.

House Bill No. 137, "An Act to incorporate the Town of Saratoga," was taken up.

The amendments of the Committee were concurred in.

On motion of Mr. Sopris, the title was amended so as to read "Saratoga West."

Read a third time and

Passed.

Title was agreed to.

House Bill No. 133, "An Act to incorporate the Big Stranger Bridge Company," was taken up, and

Referred to the Leavenworth County Delegation.

House Bill No. 163, entitled "An Act to incorporate the New Brighton Town Company," was taken up, and the

Report of the Committee on Corporations agreed to.

The Bill passed.

The title was agreed to.

House Bill No. 194, entitled "An Act to incorporate the Leavenworth Mercantile Library Association," was taken up, and the

Report of the Committee on Corporations adopted.

Bill read a third time and

Passed.

The title was agreed to.

Mr. Wood, from Select Committee on House Bill No. 238, entitled "An Act to establish Peketon county," have had the same under consideration, and report it back and recommend its passage, with the following amendment:

Strike out, in section 1, the words "the third Standard Parallel," and insert "Township sixteen."

S. N. WOOD,
H. SHIVELY.

On motion of Mr. Wood, House Bill No. 238 was taken up.

Read a third time and

Passed.

The title was agreed to.

House Bill No. 198, entitled "An Act for the relief of J. B. Robinson and Wm. B. Robinson," was taken up.

Mr. Jones moved that the report of the Committee be disagreed to.

Mr. Nelson moved that the report of the Committee be agreed to, and the Bill indefinitely postponed.

Carried.

House Bill No. 212, entitled "An Act to establish a Ferry across the Kansas river at Wabaunsee," was taken up, and

The amendments of the Committee on Corporations agreed to.

Bill read a third time, and

Passed.

The title was agreed to.

House Bill No. 246, entitled "An Act to provide for the organization of the county of McGee and change the name of that to Cherokee," was taken up.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 125, entitled "An Act to incorporate the Denver City, Beaver Creek Wagon Road and Bridge Company," was taken up.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 135, entitled "An Act to incorporate the Arrapahoe County Improvement Association," was taken up.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 109, entitled "An Act to incorporate the Olathe Lodge, No. 19, of Ancient Free and Accepted Masons," was taken up.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 120, "An Act to incorporate the city of Burlingame," was taken up.

Read a third time, and

Passed.

The titled was agreed to.

House Bill No. 127, entitled "An Act changing the name of Isabella Vaughn, to that of Isabella Bowers," was taken up, and

On motion of Mr. Wood, was indefinitely postponed.

House Bill No. 205, entitled "An Act in relation to Isabella Vaughn," was taken up.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 58, An Act to vacate a certain part of the Town site of Pottawatamie City," was taken up.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 205, entitled "An Act changing the name of Mary K. Patterson," was taken up.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 216, entitled "An Act to incorporate the Kansas Scientific and Literary Institute," was taken up.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 25, entitled "An Act to protect settlers on public lands," was taken up, and

On motion of Mr. Parks, was

Laid on the table and ordered to be printed.

Council Bill No. 31, entitled "An Act to authorize Hiram E. Byington to build and maintain a bridge across the Marais des Cygnes river at the Sac and Fox Agency," was taken up.

Mr. Nelson moved that the report of the Committee on Corporations be disagreed to.

Lost.

Bill having been read a third time,

Passed.

The title was agreed to.

Council Bill No. 49, entitled "An Act to authorize Doniphan county to issue Bonds," was taken up.

Read a third time and

Passed.

The title was agreed to.

Council Bill No. 171, entitled "An Act to incorporate the Freepoint Town Company," was taken up.

Read a third time and

Passed.

The title was agreed to.

House Bill No. 184, "An Act supplemental to an Act entitled 'An Act incorporating the Topeka Cemetery Association,'" was taken up.

Read a third time and

Passed.

The title was agreed to.

House Bill No. 145, entitled "An Act for the organization of Clay county," was taken up.

Read a third time and

Passed.

The title was agreed to.

House Bill No. 126, entitled "An Act providing for the permanent location of the county seat of Douglas county," was taken up, and

On motion of Mr. Parks, was laid upon the table.

House Bill No. 141, entitled "An Act to change the name of Breckenridge county," was taken up,

And, upon motion of Mr. Parks, laid on the table.

House Bill No. 218, entitled "An Act locating the county seat of Dickinson county," was taken up, and

On motion of Mr. Parks, laid upon the table.

Council Bill No. 37, entitled "An Act for the permanent location of the county seat of Marshall county," was taken up.

Read a third time and

Passed.

Title was agreed to.

House Bill No. 274, "An Act to divorce Clara L. Crane from Orlando M. Crane," was taken up.

Read a third time and

Passed.

Title was agreed to.

House Bill No. 110, "An Act legalizing certain conveyances," was taken up, and

On motion of Mr. Parks, was laid on the table and ordered to be printed.

House Bill No. 24, entitled "An Act to authorize S. O. Hemenway to build a Bridge," was taken up.

The report of the Committee on Corporations was agreed to, and the Bill

Passed.

The title was agreed to.

Mr. Scott introduced a petition of George G. Pierce, praying for relief.

Also, House Bill No. 308, entitled "An Act making an appropriation for the relief of George G. Pierce."

Bill read a first time.

Rules suspended,

Read a second time, and

Referred to Committee on Accounts.

On motion of Mr. Nelson,

The House adjourned.

GUSTAVUS A. COLTON,
Speaker of the House of Representatives.

M. W. DELAHAY,
Chief Clerk.

MONDAY, February 13, 1860,
9 o'clock, A. M.

House called to order by the Speaker.

Prayer by the Rev. Mr. Bishop.

Roll called.

Absent, Messrs. Elliott, Heath, Lynde, Murphy, Rankin, Sims, Wright, Wagstaff and Wood.

Journal of Saturday, read and approved.

A Message was received from the Governor, relating to House Bill No. 94, entitled "An Act to facilitate the pursuit of practical Anatomy," with his objections thereto, which was read and ordered to be spread upon the journals of the House.

EXECUTIVE OFFICE, K. T.,
February 13, 1860.

To the House of Representatives:

GENTLEMEN:—I return the Bill entitled "An Act to facilitate the pursuit of Practical Anatomy," with objections:

While I admit that it has long been a practice to authorize the giving up to the Medical Faculty, for the use of those studying Anatomy, the dead bodies of persons executed for crime, yet the very fact of confining this legal use to the dead bodies of perpetrators of capital crimes, shows that it was a part of the condemnation. Life was given up to the requirements of the law, and the body to the use of science. The whole person was condemned by the power of the law, even to annihilation. But crime was the excuse and the apology. Crime against civil society was the cause of both parts of the condemnation; and the consequences were held up to the world to deter others from similar deeds of iniquity.

Such is the moral sentiment of mankind, that it might be questioned which a person would meet with the greatest dread, in anticipation of his or her coming doom, that of being hung under the gallows, or that of being afterward dissected in the dark and gloomy room of the Anatomist. The idea of a decent burial after death, is consoling, even to the worst of criminals. It is a part of our nature, of our education, of our religion; and it is not an unusual thing for persons, about to receive the punishment for capital crimes, to give orders, or make requests, as to what disposition shall be made of their bodies after execution; showing that even criminals of highest order are not insensible to what shall become of their mortal remains after that which is eternal has parted with it forever.

But this Bill does not stop at "persons executed in pursuance of law," but adds, also, "all persons dying in hospitals or other public charities, and all other persons whose burial shall become a public charge," "may be claimed and *shall be* delivered by the proper authorities to the faculty," &c. Then there is, it is true, a proviso, that "this Act shall not be so construed as to prevent any person claiming to be the friend or relation of such deceased person, from taking possession of the body, and disposing of it as they think fit." That is, they may bury it, or *sell* it, as such claiming friend or relative may determine.

If this is not a mingling of poverty with crime, I have greatly mistaken the words of the Bill. It can be nothing else. A person may be taken to the hospital, the poor house, or to some charitable institution, with as sensative feelings as those who never felt the misfortune of poverty—persons as fully alive to all the human capabilities as the most wealthy and refined—as deeply imbued with the consolations of flowers and evergreens strewn upon their graves, and "a stone to tell where they lie," as those who die in "marble halls," and on couches of down. Poverty, so far from being a crime, not unfrequently arouses the tenderest emotions of the heart, melting the soul to the holiest sympathies, and to most keenly feeling the cold touch of uncharitable natures.

If we cannot relieve the wants of unfortunate fellow beings; if we cannot be present to administer consolation, and smoothe the rough pillows of those dying in penury, let us not, afar off, pierce what is yet remaining of hope and tenderness, with the dread of the scalpel and the human fragments of the dissecting room. Let us not mix up crime and poverty in Mosaic enactments, and place guiltless misfortune on a level with misdeeds of the darkest hue.

It is a monstrous wrong to suppose that poverty and crime are synonymous. It may be more apparent, and, by its exposed condition, more liable to detection, while the crime of wealth is hidden in the glare of its power. Poverty is weak, and therefore it is safe to assail it, while the cowardly moralist would shrink from an attack upon high places for more inexcusable deeds.

Those accustomed to look upon the body, after death, as of little consequence as compared with the departed spirit, may look with disdain upon the sentimentality of such reasoning; but they can better test it by placing *themselves* within the scope of this Bill, to supply science with subjects, and anatomy to display its skill. Difficult as this question has always been, and may be for all time to come, I cannot sanction this mode of solving the problem, nor lend my approval to so glaring an encroachment upon the moral sense of the public.

S. MEDARY.

House Bill No. 94, entitled "An Act to facilitate the pursuit of Practical Anatomy," was taken up.

The question being, "Shall the Bill pass, the Governor's objections to the contrary notwithstanding?"

The yeas and nays being ordered, which resulted in

Yeas—10. Nays—21.

Yeas, Messrs. Brooks, Dutton, Jones, Lindsay, Knowles, Morton, Nelson, Sheldon, Pierce and Scott.

Nays, Messrs. Brown, Blake, Bartlett, Chandler, Canniff, Cornwell, Cave, Elliott, Lombard, Lynde, McMath, Noel, Parks, Robertson, Reynolds, Steward, Sims, Shively, Sopris, Vanderslice, Whitehead, Wagstaff and Mr. Speaker.

So the Bill was lost.

Mr. Fitzpatrick offered the following resolution, which was adopted:

Resolved, That the Treasurer of the Territory is hereby desired to report to this House, on or before the 17th inst., the following facts, to-wit: First, The names of the persons to whom claim warrants have been issued. Second, The number and amount of such bonds. Third, The exact form, in words, of said bonds, and, Fourth, The form of Territorial bonds, together with any other facts connected with the issuing of the same, that he may deem advisable.

The special order being, House Bills Nos. 172 and 211, entitled "An Act to amend an Act entitled 'An Act regulating Elections,'" was taken up, and

On motion of Mr. Nelson, was postponed and made the special order of Friday next, at 2 o'clock, P. M.

Mr. Wagstaff introduced House Bill No. 309, "An Act to incorporate the city of Paola."

Read a first time.

Rules suspended.

Read a second time, and

On motion of Mr. Nelson, referred to a Select Committee of three, consisting of Messrs. Wagstaff, Sims and Sheldon.

Mr. Bartlett introduced House Bill No. 310, "An Act to establish a Ferry across the Big Blue river."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Incorporations.

Also, House Bill No. 311, entitled "An Act to incorporate the Detroit Town Company."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Elections.

Mr. Wood introduced the proceedings of a mass meeting of the citizens of Agnes City township, Breckenridge county, relative to the southern boundary of said county.

Also, House Bill No. 312, entitled "An Act relating to Exemptions."

Read a first time.

Rules suspended.

Read a second time, and

Referred to the Committee on Judiciary.

Also, House Bill No. 313, "An Act to amend an Act entitled 'An Act concerning Guardians and Wards.' "

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Judiciary.

Also, House Bill No. 315, entitled "An Act creating a redemption Act to Real Estate and regulating the same."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Judiciary.

Also, House Bill No. 314, entitled "An Act to incorporate the Council Grove Insurance Company."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Corporations.

Mr. Fitzpatrick offered the following resolution:

Resolved, That the sheriff of Douglas county be appointed a Sergeant-at-Arms for the Committee appointed to investigate and report to this House all the facts connected with the action of the Claim Commissioners, &c.

The question being upon the adoption of the resolution,

Mr. Fitzpatrick demanded the previous question, which demand was not sustained.

Mr. Sims offered the following as a substitute to the resolution:

Resolved, That the Special Committee be instructed to report to this House, at the earliest moment, whether the Commissioners under the Act entitled "An Act for the adjustment and payment of Claims," have failed to comply with the Act, and in what respects.

Mr. Fitzpatrick moved to lay the substittute upon the table.

The yeas and nays were demanded.

Yeas—7. Nays—28.

Yeas, Messrs. Dutton, Elliott, Fitzpatrick, Morton, Nelson, Scott and Wood.

Nays, Messrs. Brown, Blake, Bartlett, Brooks, Chandler, Canniff, Cornwell, Cave, Jones, Knowles, Lombard, Lynde, Lindsay, McMath, Noel, Parks, Pierce, Robertson, Reynolds, Steward, Sims, Shively, Sheldon, Sopris, Vanderslice, Whitehead, Wagstaff and Mr. Speaker.

So the motion was lost.

The question being upon the adoption of the substitute,

Mr. Sims demanded the previous question, which was sustained.

The yeas and nays being demanded, upon the adoption of the substitute, resulted in

Yeas—21. Nays—13.

Yeas, Messrs. Brown, Cornwell, Cave, Lombard, Lynde, Lindsay, McMath, Noel, Parks, Pierce, Robertson, Reynolds, Steward, Sims, Shively, Scott, Sopris, Vanderslice, Whitehead, Wagstaff and Mr. Speaker.

Nays, Messrs. Bartlett, Brooks, Chandler, Canniff, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Morton, Nelson, Sheldon and Wood.

So the substitute was adopted.

Mr. Scott offered the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms of this House be instructed to act as Sergeant-at-Arms for the Special Committee appointed to investigate the awards of the Claim Commissioners.

Mr. Brooks, from Select Committee on House Bill No. 133, submitted the following report:

The Select Committee, to whom was referred House Bill No. 133, having had the same under consideration, beg leave to report the same back, with the following as a substitute, and recommend its passage.

On motion of Mr. Parks, the report was agreed to, and the substitute adopted.

On motion of Mr. Parks, the rules were suspended, and

Bill passed.

The title was agreed to.

Mr. Sims, from the Committee on Enrolled Bills, made the following report:

Mr. Speaker:—House Bill No. 40, "An Act to incorporate he First Baptist Church in the City of Atchison."

Also, House Bill No. 20, entitled "An Act to change the undaries of Butler county," are correctly enrolled.

C. SIMS, Chairman.

Mr. Bartlett offered the following resolution:

Resolved, That the Special Committee, who were instructed inquire and report to this House by what authority warrants ve been issued on the Treasury of this Territory, in payment of e awards of the Claim Commissioners appointed by the last rritorial Legislature, be instructed to report to this House, on before Thursday next.

Mr. Wood moved to lay the resolution upon the table.

Carried.

Message from the Council:

Mr. Speaker:—I am directed by the Council to notify the use that the Council have concurred in House amendments to uncil Bill No. 24, entitled "An Act authorizing S. O. Hem-way to build a bridge."

Also, Council Bill No. 31, entitled "An Act to establish a ry over the Marais des Cygnes."

Also, that the Council have passed Concurrent Resolution No. relative to Representative Districts and apportionments.

Also, Council Bill No. 102, entitled "An Act to incorporate Mount Union College Association."

Your concurrence is solicited.

House Bill No. 130, entitled "An Act to extend the time for collection of taxes in Jefferson county."

Also, House Bill No. 304, "An Act to legalize the assessment Taxes, for the year 1858, in Jefferson county," without amend-it.

JOHN J. INGALLS,
Secretary.

Mr. Bartlett introduced House Bill No. 325, entitled "An Act to provide for the location of county seats."

Read a first time, and

Rules suspended.

Read a second time, and

Referred to Committee on Elections.

Mr. Sopris introduced House Bill No. 317, entitled "An Act to incorporate the Auraria Mining Company."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Corporations.

Also, House Bill No. 318, entitled "An Act to incorporate the Norwood Mining Company."

Read a first time.

Rules suspended.

Read the second time, and

Referred to the Committee on Corporations.

Also, House Bill No. 319, entitled "An Act to incorporate the Washington Mining Company."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Corporations.

Also, House Bill No. 320, entitled "An Act to legalize the official acts of Erastus W. Stratton."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Judiciary.

Mr. Whitehead introduced House Bill No. 321, entitled "An Act to incorporate the Marysville and Denver City Railroad Company."

Read the first time.

Rules suspended.

Read a second time, and

Referred to Committee on Corporations.

Also, House Bill No. 322, entitled "An Act to incorporate a University at Mount Pleasant, Atchison county."

Read the first time.

Rules suspended.

Read a second time, and

Referred to Committee on Corporations.

Also, House Bill No. 323, "An Act to amend an Act entitled 'An Act regulating Conveyances.'"

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Judiciary.

Mr. Wagstaff introduced House Bill No. 324, entitled "An Act to prevent and punish armed invasions from and into this Territory."

Read a first time.

Rules suspended.

Read a second time, and

Referred to the Committee on Judiciary.

Also, House Bill No. 326, "An Act to incorporate the St. Marysville Town Company."

Mr. Noel introduced House Bill No. 327, entitled "An Act relating to limited Partnership."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Judiciary.

Mr. Brown introduced House Bill No. 328, entitled "An Act to establish a toll bridge across the Big Stranger Creek, in Leavenworth county."

Read a first time.

Rules suspended.

Read a second time, and

Referred to a Special Committee, consisting of Messrs. Brown, Parks and Sheldon.

Also, House Bill No. 329, entitled "An Act to amend Act entitled 'An Act exempting certain property from sale upon execution or other process.' "

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Judiciary.

Mr. Brooks, from Committee on Corporations and Banking, submitted the following report:

The Committee on Corporations and Banking, having had under consideration House Bill No. 272, entitled "An Act to incorporate the Kansas State Agricultural Society," report the same back, and recommend its passage.

Also, House Bill No. 117, entitled "An Act to amend an Act to incorporate the Roseport and Palmetto Railroad Company," beg leave to report the same back, and recommend its reference to a special committee.

Also, House Bill No. 218, report the same back, without amendment, and recommend its passage.

P. R. BROOKS, Chairman.

Mr. Nelson, from the Committee on Education, submitted the following report:

The Committee on Education, to whom was referred House Bill No. 233, entitled "An Act to incorporate the Kansas Central College," have had the same under consideration, and report the same back to the House without amendment and recommend its passage.

G. W. NELSON, Chairman.

The report was agreed to.

Mr. Whitehead, from Special Committee on House Bill No. 269, submitted the following report:

We, the Select Committee, to whom was referred House Bill No. 269, "An Act supplemental to 'An Act to incorporate the City of Palermo,'" have had the same under consideration, and beg leave to report the same and recommend its passage.

Also, House Bill No. — "An Act supplemental to 'An Act to incorporate the City of Palermo, and authorize said city to subscribe for Railroad Stock,'" have had the same under consideration and recommend its passage.

C. B. WHITEHEAD,
P. G. D. MORTON,
J. C. MURPHY.

The report was agreed to.

Mr. Robertson, from Special Committee, submitted the following report:

MR. SPEAKER:—The Special Committee to whom was referred Council Bill No. 40, entitled "An Act to incorporate the City of Troy," have had the same under consideration, and report it back to the House with the following amendments:

"Sec. 5" stricken out, and the following substituted:

"Sec. 5. That W. S. Bennight, Leonard Smith and John B. Brady, are hereby appointed Commissioners to call the first election for Mayor and Councilmen under this act. Such commissioners shall call such election at such time, during the months of March and April, A. D. 1860, and at such place in Troy aforesaid, as they or a majority of them shall deem advisable; and they shall give at least three days' notice of the time and place of said election, by five written or printed handbills, put up in five of the most public places of said city. The judges of the first election shall be chosen *viva voce* by the electors present at the opening of the polls, for said election. Said judges shall take an oath before some one authorized to administer oaths, faithfully and impartially to discharge the duties of their offices, which shall be certified and filed in the office of the District Clerk, and said judges shall give to the person elected mayor, and to each person elected Councilman, a certified copy of his election. Said election shall be by ballot; polls to be opened at 9 A. M., and closed at 4 o'clock, P. M. The qualifications of voters under this act shall be as follows: All white male persons over the age of 21 years, who shall be citizens of the United States, or declare their intentions on oath to become such, and having resided in this Territory six months, and within the city limits ten days preceding any election."

HUGH ROBERTSON,
C. B. WHITEHEAD, } Committee.
WILLIAM NOEL.

The report was adopted.

On motion of Mr. Robertson, the rules were suspended, Council Bill No. 40,

Read a third time and

Passed.

The title was agreed to.

Mr. Bartlett, from the Committee on Elections, submitted the following report:

The Committee on Elections, to whom was referred House Bill No. 310, entitled "An Act establishing a Ferry across the Big Blue River," have had the same under consideration, and report the same back and recommend its passage.

A. BARTLETT, Chairman.

Mr. Jones, from the Special Committee on House Bill No. 312, submitted the following report:

Mr. Speaker:—The Special Committee to whom was committed House Bill No. 312, entitled "An Act to charter a Ferry across the Marais des Cygnes, at a point on the road from Twin Springs to the Missouri river State line," would respectfully report the same back and recommend its passage.

J. H. JONES, Chairman.

The report was agreed to.

On motion of Mr. Sims,

The House adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

Mr. W. D. Blackford, appeared and was sworn in as Assistant Engrossing Clerk, and entered upon the discharge of the duties of said office.

Message from the Council:

MR. SPEAKER:—The Council direct me to notify the House that they have passed House Bill No. 29, entitled "An Act legalizing the assessments made by William J. Orum."

House Bill No. 97, entitled "An Act to provide for the issue of duplicate Territorial Warrants in certain cases," without amendment.

JOHN J. INGALLS,
Secretary.

Mr. Wagstaff introduced House Bill No. 331, entitled "An Act incorporating the Eastern Kansas Railroad Company."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Incorporations.

Mr. Rankin introduced House Bill No. 332, entitled "An Act to incorporate the Jefferson Town Company."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Corporations.

Mr. Rankin introduced House Bill No. 333, "An Act to repeal an Act entitled 'An Act to incorporate the St. Charles Town Company.'"

Read a first time.

Rules suspended.

Read a second time and

Referred to Select Committee, consisting of Messrs. Parks, Brown and Sopris.

Also, House Bill No. 334, entitled "An Act to incorporate the Leavenworth Lodge, No. 1, of the Independent Order of the Sons of Malta."

Read a first and second time, and

Referred to Committee on Corporations.

House Bill No. 14, entitled "An Act to charter a Ferry across the Missouri River, at the City of Wyandott," was taken up, and

On motion of Mr. Lynde, the House concurred in the amendments of the Council.

Mr. Wood, from the Committee on Judiciary, submitted the following report:

The Judiciary Committee, to whom was referred Council Bill No. 127, "Divorcing William H. Russell and Janette Ressell."

Also, House Bill No. 299, "An Act divorcing Henry Hart and Henrietta Hart."

Also, House Bill No. 198, "An Act divorcing Wm. Perry and Lucy A. Perry," have had the same under consideration, and report them back and recommend their passage.

S. N. WOOD, Chairman.

The report was agreed to.

Mr. Brown, from Special Committee on Council Bill No. 122, submitted the following report:

MR. SPEAKER:—The Special Committee, to whom was referred Council Bill No. 122, have had the same under consideration, and report the same back without amendment and recommend its passage.

F. BROWN, Chairman.

Mr. Lynde, from the Judiciary Committee, submitted the following report:

The Committee to whom were referred House Bill No. 18, entitled "An Act concerning Mills, Millers and rates of Toll," have had the same under consideration, and report a substitute to the House Bill and recommend its passage.

E. LYNDE, Chairman.

The report was accepted.

Mr. Lynde, from the Committee on Enrolled Bills, submitted the following report:

Mr Speaker:—The Committee on Enrolled Bills have examined House Bill No. 130, "An Act to extend the time for the collection of Taxes in Jefferson county."

Also, House Bill No. 304, entitled "An Act to legalize the assessment of Taxes, for the year 1858, in Jefferson county."

E. LYNDE, Member of the Committee.

On motion of Mr. Lynde, the substitute to House Bill No. 18, "An Act concerning Mills, Millers, and the rates of Toll," was taken up.

Mr. Bartlett, from the Judiciary Committee, submitted the following minority report, on House Bill No. 18:

Mr. Speaker:—The undersigned, a member of the Judiciary Committee, to whom was referred House Bill No. 18, entitled "An Act concerning Mills, Millers, and the rates of Toll," begs leave to submit the following report:

This Bill, though very similar to laws existing in many of the States, to me seems unjust and wrong in principle. I cannot understand why this arbitrary rule should be laid down in reference to millers more than to men engaged in other pursuits; for every mechanic has an equal opportunity to demand unwarrantable prices for his labor. In establishing ferries and bridges we claim the right to fix the rate of toll or charge, but, as a consideration for such right, we give the incorporations of such ferry or bridge certain exclusive privileges. In relation to mills, and especially steam mills, we claim or exercise no such right. Every man may take a mill to any part of the Territory he may choose. If any miller shall charge such toll as shall be deemed exhorbitant in the opinion of the settlers, no one questions the right or privileges of such settlers to take their grain to other mills or to bring other mills into the neighborhood and engage in honest competition with the aforesaid miller. By section four of this bill, I find that a miller, or the owner of a mill, is bound to grind such grain as is brought him, whether he desires it or not, and that, too, for the consideration of one sixth of such grain. It costs at least ten dollars per day to run any steam mill in the Territory; and suppose that such mill grind one hundred bushels of corn per day, which is more than an average day's work for most of our mills, then the toll amounts to 16 2-3 bushels. The average price of corn in Kansas is about twenty cents per bushel, and this would give the miller the enormous sum of three dollars thirty-three cents and a third for the day's labor of himself and hands.

If this reasoning is correct, it seems to me that the passage of this Bill, instead of protecting the citizens of the Territory, will work to their injury, by depriving persons from bringing mills here who otherwise would. In short, to make any person subject to a fine of not less than ten dollars, for making such lawful use of his own property as he shall see fit, is a doctrine I cannot indorse.

Respectfully,

A. BARTLETT.

Mr. Parks moved to indefinitely postpone the Bill.

Upon which Mr. Nelson demanded the previous question, which was sustained.

The yeas and nays were demanded upon the motion to indefinitely postpone the Bill.

Yeas—16. Nays—19.

Yeas, Messrs. Brown, Bartlett, Brooks, Chandler, Canniff, Dutton, Heath, Knowles, Lindsay, Morton, Noel, Parks, Sheldon, Sopris, Vanderslice and Wagstaff.

Nays, Messrs. Cornwell, Cave, Elliott, Fitzpatrick, Jones, Lombard, Lynde, McMath, Nelson, Pierce, Robertson, Rankin, Steward, Sims, Shively, Scott, Whitehead, Wood and Mr. Speaker.

So the motion to indefinitely postpone was lost.

Mr. Sims offered the following amendment to the Bill:

Add to last section as follows: This Act shall not apply to Leavenworth, Riley, Pottawatamie, Doniphan, Douglas, Shawnee, Coffey, Anderson, Butler, Osage, Greenwood, Wabaunsee, Breckenridge, Arrapahoe, Franklin, Morris, Chase, Nemaha, Madison, Woodson and Bourbon.

The yeas and nays being demanded upon the adoption of the amendment offered by Mr. Sims, the result was as follows:

Yeas—12. Nays—24.

Yeas, Messrs. Brown, Bartlett, Brooks, Chandler, Canniff, Elliott, Lindsay, Morton, Noel, Nelson, Vanderslice and Whitehead.

Nays, Messrs. Blake, Cornwell, Cave, Dutton, Fitzpatrick, Jones, Knowles, Lombard, Lynde, Parks, Pierce, Robertson, Reynolds, Rankin, Steward, Sims, Shively, Sheldon, Scott, Sopris, Wagstaff, Wood and Mr. Speaker.

So the amendment was lost.

Mr. Scott moved to recommit the Bill to a Select Committee.

Mr. Parks moved to lay the motion upon the table.

Lost.

The question recurring upon the motion of Mr. Scott to recommit the Bill to a Select Committee, it prevailed.

Said Committee consisted of Messrs. Scott, Heath and Sims.

The Speaker appointed as a Special Committee on House Bill No. 117, entitled "An Act to amend an Act entitled 'An Act to incorporate the Marysville, Palmetto and Roseport Railroad Company,'" in accordance with the recommendations of the Committee on Corporations, Messrs. Whitehead, Lynde and Brown.

Mr. Rankin, from Special Committee on House Bill No. 120, submitted the following report:

The Special Committee, to whom was referred House Bill No. 120, entitled "An Act to establish a toll bridge across the Platte river," report the same, and recommend its passage, with the following amendment:

In section 2d, strike out "two miles" and insert "one quarter of a mile."

W. A. RANKIN.

Mr. Brooks, from Committee on Corporations and Banking, submitted the following report:

The Committee on Corporations, having had under consideration House Bill No. 305, entitled "An Act to incorporate the Fort Scott Town Company," report the same and recommend its passage without amendment.

Also, House Bill No. 306, entitled "An Act to incorporate the Fort Scott Bridge and Ferry Company," report the same and recommend its passage, with the following amendment:

In section 3d, strike out all after the words "for the same," and insert "such rates as may be fixed by the tribunal transacting county business in the county of Bourbon."

Also, House Bill No. 157, "An Act to incorporate the village of Oskaloosa," and beg leave to report the same, and recommend its passage without amendment.

P. R. BROOKS, Chairman.

Mr. Sims asked leave to withdraw certain petitions relating to the location of the county seat of Bourbon county.

Leave was granted.

Council Bill No. 50, was taken up, entitled "An Act to establish the counties of Marion and Otsee."

Read a first time.

Rules suspended.

Read a second time.

Rules suspended.

Read a third time and

Passed.

The title was agreed to.

Mr. Sheldon, from Committee on Engrossed Bills, submitted the following report:

The Committee on Engrossed Bills have examined House Bill No. 224, entitled "An Act amending an Act regulating the Jurisdiction and Procedure before Justices of the Peace, and the duties of Constables in Civil Cases," approved February 8th, 1859, and find it to be correctly engrossed.

O. H. SHELDON, Chairman.

Council Bill No. 132, was taken up.

Read a first time.

Rules suspended.

Read a second time, and

Referred to a Select Committee consisting of Messrs. Brown, Cornwell and Sheldon.

Council Bill No. 98, "An Act incorporating the City of Auburn," was taken up.

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Incorporations.

Council Bill No. 109, "An Act to incorporate the Leavenworth and Denver City Telegraph Company," was taken up.

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Incorporations.

Message from the Governor:

EXECUTIVE OFFICE, K. T.,
Feb. 11, 1860.

To the Speaker of the House of Representatives:

I have this day approved House Bills, "An Act incorporating the Linn County Agricultural Society."

"An Act to incorporate St. John's Lodge, No. 26, of Ancient Free and Accepted Masons."

"An Act to establish a ferry at the town of Le Roy, in Coffey county."

"An Act incorporating the Neosho Lodge of Ancient Free and Accepted Masons."

"An Act to incorporate the Fremont Town Company."

"An Act incorporating the Lawrence Lodge of Ancient Free and Accepted Masons."

"An Act to incorporate the La Porte Town Company and City of La Porte."

"An Act to authorize the county of Leavenworth to issue certain bonds."

"An Act to incorporate the Iola Town Company."

"An Act to permanently locate the county seat of Washington county."

"An Act to incorporate the Neosho Falls Town Company."

"An Act divorcing Amon G. DaLee and Clarinda E. DaLee."

"An Act to charter a ferry across the Marais des Cygnes, at a point near Stanton, known as the Morse Ford."

"An Act to incorporate the North Western Mining Company."

Respectfully,

S. MEDARY.

EXECUTIVE OFFICE, K. T.,
February 11, 1860.

To the Speaker of the House of Representatives:

I have this day approved House Bills, "An Act to amend an Act entitled 'An Act to establish and charter a ferry at the city of Elwood, and for revising and repealing all former charters and parts of charters relating to such ferry."

"An Act divorcing Lois H. Brown and G. W. Brown."

"An Act to incorporate the Central Overland California and Pike's Peak Express Company."

Respectfully,

S. MEDARY.

Council Concurrent Resolution No. 9, in reference to memoralizing Congress for admission into the Union, was taken up.

Mr. McMath moved to lay the resolution upon the table.

Lost.

Mr. Heath offered the following as an amendment to the resolution:

Strike out the words "the existence of a population of one hundred thousand," and insert "a desire on the part of the people to be admitted into the Union."

Mr. Wood moved to lay the amendment upon the table.

Carried.

The question recurring upon the adoption of the resolution,

Mr. Brown demanded the previous question, which was sustained.

The question being, "Shall the resolution be adopted?"

The yeas and nays were demanded.

Yeas—22. Nays—13.

Yeas, Messrs. Bartlett, Brooks, Chandler, Canniff, Cave, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lynde, Lindsay, Morton, Robertson, Rankin, Steward, Shively, Sheldon, Scott, Sopris, Wood and Mr. Speaker.

Nays, Messrs. Brown, Cornwell, Heath, Lombard, Murphy, McMath, Noel, Parks, Pierce, Sims, Vanderslice, Whitehead and Wagstaff.

So the resolution was adopted.

House Bill No. 250, entitled "An Act to establish a Ferry across the Big Blue River," was taken up.

Read a third time and

Passed.

The title was agreed to.

Message from the Council:

Mr. Speaker:—I am directed by the Council, to notify the House that the Council have passed Council Bill No. 128, "An Act amendatory to an Act entitled 'An Act exempting certain property from sale on execution or other process,'" and ask your concurrence.

House Bill No. 104, "An Act authorizing the transcribing of Deeds, &c., for Wabaunsee county," without amendment.

JOHN J. INGALLS,
Secretary.

On motion of Mr. Cornwell, House Concurrent Resolution was taken up.

Mr. Rankin moved to lay the resolution upon the table.

Carried.

On motoin of Mr. Parks, Bills on a third reading on the calendar, were taken up.

House Bill No. 195, entitled "An Act amendatory to an Act to establish a Code of Civil Procedure," was taken up, and

On motion of Mr. Parks, was laid on the table and ordered to be printed.

House Bill No. 232, "An Act regulating the hours of Manual Labor," was taken up.

Read a third time, and

Passed.

The title was agreed to.

Council Bill No. 67, "An Act for the encouragement of Agriculture and the Mechanic Arts," was taken up, and

On motion of Mr. Scott, was referred, with House Bill No. 97, to the Committee on Agriculture.

House Bill No. 160, "An Act regulating Inclosures," was taken up.

Mr. Cave moved to indefinitely postpone the Bill.

Carried.

House Bill No. 188, "An Act to incorporate the Coffey County Agricultural Society," was taken up.

Read a third time and

Passed.

The title was agreed to.

House Bill No. 276, "An Act to incorporate the Jefferson Quartz Mining Company," was taken up.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 248, "An Act to incorporate the First Methodist Church of Leavenworth," was taken up.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 249, "An Act to establish a Ferry across the Missouri River, at the Town of Kickapoo," was taken up.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 128, entitled "An Act to amend an Act entitled 'An Act to incorporate the Wyandott and Osawatomie Railroad Company,'" was taken up.

Read a third time and

Passed.

House Bill No. 225, "An Act to incorporate the University of Paola," was taken up.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 234, entitled "An Act to incorporate the Neosho Falls Cemetery Association," was taken up.

Read a third time, and

Passed.

The title was agreed to.

Council Bill No. 85, "An Act to incorporate a Ferry across the Arkansas River," was taken up, and

On motion of Mr. Wood, was referred to a Select Committee of three, Messrs. Wood, Heath and Lynde.

Council Bill No. 245, "An Act for the relief of Asahel Beach and others," was taken up.

Read a third time, and

Passed.

The title was agreed to.

Council Bill No. 62, "An Act to incorporate the Town of Irving," was taken up, and

Read a third time and

Passed.

The title was agreed to.

House Bill No. 261, "An Act to incorporate the Carlyle Town Company," was taken up.

Read a third time and

Passed.

The title was agreed to.

House Bill No. 226, "An Act to incorporate the Paola Mercantile Library Association," was taken up.

Read a third time and

Passed.

The title was agreed to.

House Bill No. 257, "An Act to incorporate the Grasshopper Falls Lodge, No. 21, of Ancient Free and Accepted Masons," was taken up.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 277, "An Act to incorporate the Wabaunsee County Agricultural Society," was taken up.

Read a third time, and

Passed.

The title was agreed to.

Message from the Council:

Mr. Speaker:—The Council instruct me to notify the House that the Council concur in House amendments to Council Bill No. 45, "An Act to incorporate the city of Troy."

JOHN J. INGALLS,

House Bill No. 217, "An Act to establish and charter a Ferry across the Kansas river, at or near the mouth of the Wakarusa river," was taken up.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 265, "An Act incorporating the Douglas County Agricultural and Mechanical Society," was taken up.

Read a third time, and

Passed.

The title was agreed to.

Council Bill No. 230, "An Act to establish a Toll Bridge across Monument Creek," was taken up, and

Amendments of the Council concurred in.

Bill read a third time, and

On motion of Mr. Sopris, was referred to a Select Committee of two, Messrs. Sopris and Wood.

Mr. Sims, from Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER :—The following Bills are truly enrolled :
House Bills Nos. 203, 38, 48, 6, 291 and 14.
CHARLES SIMS, Chairman.

Council Bill No. 29, "An Act to charter a Ferry across the Fountaine qui Bouille," was taken up, and

On motion of Mr. Lynde, was referred to a Select Committee of three, Messrs. Lynde, Parks and Wood.

Council Bill No. 182, "An Act to authorize Simeon Ritter to erect a Toll Bridge across the South Platte river, at a point herein named, and for other purposes," was taken up.

Read a third time, and

On motion of Mr. Sopris, referred to Select Committee of two, Messrs. Sopris and Lombard.

Council Bill No. 61, "An Act to incorporate the Irving Town Company," was taken up, and

The report of the Committee agreed to.

The Bill passed.

The title was agreed to.

House Bill No. 243, "An Act to incorporate the Margaretta Town Company," was taken up.

The amendments of the Committee concurred in.

Bill read a third time, and

Passed.

The title was agreed to.

Mr. Sims, from Committee on Enrolled Bills, submitted the following report:

Mr. Speaker:—House Bill No. 104, "An Act authorizing the transcribing of Deeds, &c., for Wabaunsee county," is truly enrolled.

C. SIMS, Chairman.

House Bill No. 236, "An Act to incorporate the London Town Company," was taken up, and

On motion of Mr. Wood, was referred to the Committee on Phraseology.

House Bill No. 242, "An Act to incorporate the Beach Valley Town Company," was taken up, and

The amendments of the Committee concurred in.

Bill read a third time, and

Passed.

The title was agreed to.

House Bill No. 227, "An Act to incorporate the Blue river Bridge Company," was taken up, and

On motion of Mr. Wood, was referred to Committee on Phraseology.

Council Bill No. 32, "An Act to charter a Toll Bridge over the Pawnee fork of the Arkansas river," was taken up, and

On motion of Mr. Wood, was referred to a Select Committee of three, Messrs. Bartlett, Dutton and Rankin.

Council Bill No. 57, "An Act to charter a Ferry across the Marais des Cygnes river," was taken up.

The amendments of the Committee concurred in.

Bill read a third time, and

Passed.

The title was agreed to.

Council Bill No. 127, "An Act to divorce Wm. H. Russell from Janette Russell," was taken up, and passed over informally.

On motion of Mr. Sims,

The House adjourned.

GUSTAVUS A. COLTON,
Speaker of the House of Representatives.

M. W. DELAHAY,
Chief Clerk.

TUESDAY, February 14, 1860,
9 o'clock, A. M.

House called to order by the Speaker.

Roll called.

Absent, Messrs. Brooks, Knowles, Morton, Pierce, Reynolds, Rankin, Sims, Shively and Wright.

Mr. Fitzpatrick asked leave to change his vote from the affirmative to the negative, on the vote for House Bill No. 94, "An Act to facilitate the pursuit of Practical Anatomy."

Leave was granted.

The Journal of yesterday was read and approved.

Mr. Fitzpatrick presented a petition of the citizens of Jackson county, for an Act to pardon Robert Norvan.

Also, House Bill No. 338, "An Act to pardon Robert Norvan."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Judiciary.

Mr. McMath presented a petition of John Lockhart and 309 others, of Johnson county, praying for a change of the southern boundary of said county.

Referred to Committee on County Lines.

Also, a petition of Mr. Peck and 138 other citizens of Johnson county, praying for a change in the western boundary of said county.

Referred to Committee on County Lines.

Mr. Wood asked leave to withdraw certain petitions relative to the boundaries of Chase and Breckenridge counties.

Leave was granted.

Mr. Elliott offered the following resolution, which was adopted:

Resolved, That G. H. Liley be admitted within the bar of this House.

Mr. Nelson, from Committee on Counties and County Lines, submitted the following report:

Mr. Speaker:—The majority of the Committee on Counties, County Lines and County Seats, to whom was referred House Bill No. 65, entitled "An Act to repeal an Act defining the boundaries between Madison and Breckenridge counties," after having considered the same with the majority of the Committee, beg leave to report it back, and recommend its indefinite postponement.

G. W. NELSON.

Mr. Lynde, from the Committee on Counties, County Lines and County Seats, submitted the following report:

Having had House Bill No. 65, an Act entitled "An Act to repeal an Act defining the boundary line between the counties of Madison and Breckenridge," under consideration, report the same back, with the petitions and remontrances relating to the same, and a majority of your Committee recommend the passage of the same.

E. LYNDE, Chairman.

Mr. Brown, from Special Committee to whom was referred Council Bill No. 132, submitted the following report:

Mr. Speaker:—The Special Committee, to whom referred Council Bill No. 132, have had the same under consideration and report the same back, recommending its passage without amendment.

F. BROWN, Chairman.

The Special Committee, to whom was referred House Bill No. 328, have had the same under consideration and report the same back without amendment and recommend its passage.

F. BROWN, Chairman.

Mr. Murphy, from the Special Committee to whom was referred House Bill No. 280, submitted the following report:

Your Special Committee, to whom was referred House Bill No. 280, "An Act to incorporate the Kansas Central Telegraph Company," report the same to the House and recommend its passage.

J. C. MURPHY, Chairman.

The report was agreed to.

Mr. Parks, from the Special Committee on House Bill No. 333, submitteed the following report:

Mr. Speaker:—The Select Committee, to whom was referred

House Bill No. 333, having had the same under consideration, report it back and recommend its passage without amendment.

P. S. PARKS,
F. BROWN,
R. SOPRIS,
Committee.

The report was agreed to.

House Bill No. 333, "An Act to repeal an Act entitled 'An Act to incorporate the St. Charles Town Company,'" was taken up, and,

On motion of Mr. Sopris, the

Rules were suspended,

Read a third time and

Passed.

The title was agreed to.

Mr. Wagstaff, from the Special Committee on House Bill No. 309, submitted the following report:

The Special Committee, to whom was referred House Bill No. 309, "An Act to incorporate the city of Paola," have had the same under consideration, and report the same back and recommend its passage, with the following amendments:

In article 4th, in section 6, in 3d line from the top, after the word city, strike out "wherein the penalty which may be imposed upon conviction exceeds fifty dollars."

Also, in the 8th line, strike out the words "provided, the person demanding such trial shall first pay into court the costs of such jury; said cost to be returned to such person if he shall be acquitted.

The section as amended will read as follows:

Sec. 6. Any person brought before the Recorder, charged with any offence under the ordinances of the city, shall be entitled, if he demand it, to a trial by a jury of six citizens of this city.

W. R. WAGSTAFF,
O. H SHELDON,
CHARLES SIMS.

On motion of Mr. Wagstaff, House Bill No. 309, "An Act to incorporate the city of Paola," was taken up.

Rules suspended.

Read a third time and

Passed.

Title was agreed to.

Mr. Brooks, from the Committee on Corporations, submitted the following report:

The Committee on Corporations and Banking beg leave to report back House Bill No. 284, "An Act to incorporate the Southern Pacific Railroad Company," and recommend its passage.
P. R. BROOKS, Chairman.

Mr. Wagstaff moved that the rules be suspended, and House Bill No. 284 be taken up.

Carried.

House Bill No. 284, "An Act to incorporate the Southern Kansas Kansas Pacific Railroad," was taken up.

Read a third time, and

Passed.

The title was agreed to.

Mr. Wood, from Committee on Judiciary, submitted the following report:

Mr. Speaker:—The Judiciary Committee, to whom was referred House Bill No. 187, entitled "An Act to establish a Probate Court for Leavenworth county and define its Jurisdiction," instruct me to report the same back, without amendment, and recommend its passage.
S. N. WOOD, Chairman.

Mr. Sheldon, from Committee on Engrossed Bills, submitted the following report:

The Committee on Engrossed Bills have examined House Bill No. 16), entitled "An Act to establish a County Poor House in Leavenworth county, and to provide for the maintenance of the same," and find it to be correctly engrossed.
O. H. SHELDON, Chairman.

Mr. Fitzpatrick introduced House Bill No. 339, "An Act relative to County Orders for the county of Shawnee."

Read a first time.

Rules suspended.

Read a second time.

Rules suspended.

Read a third time, and

Passed.

The title was agreed to.

On motion of Mr. Nelson, the rules were suspended and Bills on a first reading were read a second time and referred to their appropriate Committees.

Council Bill No. 102,

Referred to Committee on Incorporations.

Council Bill No. 128,

Referred to Committee on Judiciary.

Council Concurrent Resolution No. 10 was taken up, and

On motion of Mr. Scott, the House concurred in the Resolution.

The Chair appointed as said Committee Messrs. Scott, Lindsay, Cornwell and Lynde.

Council Bill No. 26, "An Act regulating the Interest of Money;" was taken up.

Mr. Scott moved that the House recede from its amendments.

Yeas and nays were demanded.

Yeas—19. Nays—15.

Yeas, Messrs. Brown, Blake, Chandler, Cave, Elliott, Fitzpatrick, Jones, Knowles, Lynde, Murphy, Morton, Nelson, Rankin, Steward, Sims, Shively, Sheldon, Scott, Whitehead and Wood.

Nays, Messrs. Bartlett, Brooks, Canniff, Cornwell, Dutton, Heath, Lindsay, McMath, Noel, Parks, Robertson, Reynolds, Vanderslice, Wagstaff and Mr. Speaker.

So the House receded from its amendment.

Mr. Wood moved to reconsider the vote.

Mr. Sims moved to indefinitely postpone the motion to reconsider.

Yeas and nays were demanded.

Yeas—26. Nays—9.

Yeas, Messrs. Brown, Blake, Chandler, Canniff, Cave, Elliott, Fitzpatrick, Jones, Knowles, Lombard, Lynde, Murphy, Morton, Noel, Nelson, Parks, Robertson, Rankin, Steward, Sims, Shively, Sheldon, Scott, Vanderslice, Whitehead and Wood.

Nays, Messrs. Bartlett, Brooks, Cornwell, Dutton, Heath, Lindsay, Reynolds, Wagstaff and Mr. Speaker.

So the motion to indefinitely postpone prevailed.

Council Bill No. 40, "An Act to incorporate the City of Troy," was taken up.

Mr. Wood moved that the House insists upon its amendments to the Bill.

Mr. McMath moved to lay that motion upon the table.

Lost.

The question recurring upon the motion of Mr. Wood, to insist upon House amendment to the Bill,

The yeas and nays were demanded.

Yeas—21. Nays—8.

Yeas, Messrs. Brown, Bartlett, Brooks, Chandler, Cornwell, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lynde, Noel, Nelson, Robertson, Rankin, Steward, Sims, Shively, Sopris, Wood and Mr. Speaker.

Nays, Messrs. Blake, Cave, McMath, Parks, Scott, Vanderslice, Whitehead, Wagstaff.

So the motion prevailed.

Mr. Elliott introduced House Bill No. 341, "An Act incorporating the Fremont College Association."

Read a first time.

Rules suspended.

Read a second time, and

Referred to a Select Committee of two, consisting of Messrs. Wood and Elliott.

House Bill No. 173, "An Act to incorporate the Kansas Philo-Dramatic and Scientific Institute," was taken up, and

On motion of Mr. Brown, the amendments of the Council were concurred in.

House Bill No. 51, "An Act to incorporate the Roger Williams University," was taken up, and

On motion of Mr. Wood, the amendments of the Council were concurred in.

House Bill No. 98, "An Act to provide for the keeping up of Stock at night," was taken up.

Read a third time, and

On motion of Mr. Wood was indefinitely postponed.

Mr. Parks moved to reconsider the vote.

Mr. Wood moved to lay the motion upon the table.

Lost.

Mr. Knowles demanded the previous question upon the consideration of the vote, which was sustained.

The question being upon the consideration of the vote,

The yeas and nays were demanded.

Yeas—18. Nays—14.

Yeas, Messrs. Bartlett, Chandler, Canniff, Cave, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lombard, Morton, Nelson, Robertson, Rankin, Steward, Sims, Scott and Mr. Speaker.

Nays, Messrs. Brown, Blake, Cornwell, Lynde, Lindsay, Murphy, McMath, Parks, Reynolds, Shively, Sheldon, Vanderslice, Whitehead and Wood.

So the motion to reconsider prevailed.

On motion of Mr. Morton, the Bill was referred to a Select Committee of three, consisting of Messrs. Jones, Nelson and Parks.

Mr. Dutton introduced House Bill No. 336, "An Act to locate a Territorial road from Topeka to the Nebraska line."

Read the first time,

Rules suspended, and

Read a second time, and

Referred to Committee on Roads and Highways.

Also, House Bill No. 337, "An Act to incorporate the town of Hiawatha."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Corporations.

Mr. Cornwell introduced House Bill No. 338, "An Act to divorce Daniel R. Hunton and Lydia S. Hunton."

Read a first time.

Rules suspended, and

Read a second time, and

Referred to Committee on Judiciary.

Mr. Brooks introduced House Bill No. 340, "An Act to divorce Wm. Atkinson and Ruth M. Atkinson."

Read the first time.

Rules suspended.

Read a second time, and

Referred to Committee on Judiciary.

House Bill No. 99, "An Act to prevent the introduction of Diseased Cattle into the Territory of Kansas," was taken up.

On motion of Mr. Nelson,

House adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

Message from the Council:

MR. SPEAKER:—I am directed to inform the House that the Council refused to concur in House amendments to Council Bill No. 40, "An Act to incorporate the city of Troy," and ask a Committee of Conference.

Committee on part of the Council, Messrs. Beebe, Elder and Benton.

Also, that the Council have passed Council Bill No. 157, "An Act to establish the boundary line between the counties of Davis and Riley, and to change the name of Davis county."

Council Bill No. 91, "An Act for the relief of the heirs of Jesse W. Clark."

House Bill No. 259, "An Act relating to Counties and County Officers," with the following amendments:

Section 9, after "vacancy," read "until the next general election."

Section 14, after the word "prescribe," read "and the necessary time in going to and returning from said place of meeting."

Section 15, 8th subdivision, strike out "two" and insert "one."

Section 22, after "election," read "and after every annual election."

Section 71, after "under sheriff" in last line but one, read "to the sheriff."

Section 94, after "he," read "or she;" after "him," read "or her."

Section 113, strike out as far 5th p., and read "the county treasurer shall receive the following compensation for collecting taxes : six per cent. on the first three thousand dollars."

In section 132, after "Acts," read "except an Act entitled 'An Act establishing a Code of Civil Procedure,' approved Feb. 11th, 1859."

Your concurrence is desired.

JOHN J. INGALLS,
Secretary.

The Council having refused to concur in House Bill No. 40, and asking a Committee of Conference, the House concurred in the request, and

The Speaker appointed as such Committee, Messrs. Robertson, Sims, Morton, Brooks and Fitzpatrick.

The consideration of House Bill No. 98 was resumed, "An Act to prevent the introduction of Diseased Cattle into the Territory."

The question being upon the motion of Mr. Nelson, to indefinitely postpone the Bill,

Mr. Rankin demanded the previous question, which was sustained.

The motion to indefinitely postpone was lost.

Mr. Sims offered the following amendment to the Bill:

Amend by adding to Section 1, the following: *Provided*, This Act shall not apply to any emigrant coming into this Territory, with his cattle, but only to those driven here for sale.

Mr. Wood moved to lay the amendment upon the table, which was lost.

Mr. Wood moved to strike out the word "emigrant" in the amendment.

Mr. Nelson moved to lay the motion upon the table.

The yeas and nays were demanded.

Yeas—23. Nays—14.

Yeas, Messrs. Brown, Blake, Chandler, Cornwell, Cave, Jones, Lombard, Lindsay, McMath, Murphy, Noel, Nelson, Parks, Robertson, Reynolds, Steward, Sims, Shively, Sheldon, Vanderslice, Whitehead, Wagstaff and Mr. Speaker.

Nays, Messrs. Bartlett, Brooks, Canniff, Dutton, Elliott, Fitzpatrick, Heath, Knowles, Lynde, Morton, Pierce, Rankin, Scott and Wood.

So the motion prevailed.

The question recurring upon the adoption of the amendment, it prevailed.

Mr. Nelson offered the following amendment to the Bill :

Amend by inserting the word "diseased" before cattle, where it occurs in the Bill.

Mr. Wood moved to lay the amendment upon the table.

Carried.

Mr. Blake offered the following amendment, which was adopted :

Insert "or cattle driven into the Territory for grazing."

The Bill was read a third time, and, being upon its final passage,

The yeas and nays were demanded.

Yeas—23. Nays—12.

Yeas, Messrs. Brown, Blake, Bartlett, Brooks, Chandler, Canniff, Cornwell, Cave, Dutton, Fitzpatrick, Heath, Jones, Knowles, Lombard, Lynde, Lindsay, Noel, Robertson, Steward, Shively, Sheldon, Scott and Wagstaff.

Nays, Messrs. McMath, Morton, Nelson, Parks, Pierce, Reynolds, Sims, Sopris, Vanderslice, Whitehead, Wood and Mr. Speaker.

Mr. Nelson moved to amend the title by striking out the word "diseased."

Mr. Wood moved to lay that motion upon the table.

Carried.

Mr. Jones introduced House Bill No. 342, "An Act to incorporate the Osage and Falls Bridge and Ferry Company."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Corporations.

Mr. Parks introduced House Bill No. 343, entitled "An Act to incorporate the Leavenworth College."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Corporations.

Mr. Brown introduced House Bill No. 344, "An Act to incorporate the Eagle Quartz Crushing and Mining Company."

Read a first time.

Rules suspended.

Read a second time, and

On motion of Mr. Brown, referred to a Select Committee of three—Messrs. Brown, Parks and Bartlett, Committee.

Mr. Bartlett introduced House Bill No. 345, "An Act to amend an Act entitled 'An Act to establish a Code of Civil Procedure.'"

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Judiciary.

Mr. Pierce introduced House Bill No. 346, "An Act to provide for the opening of a certain Territorial road."

Read the first time.

Rules suspended.

Read a second time, and

Referred to Committee on Claims.

Mr. Reynolds introduced House Bill No. 347, "An Act legalizing paling fencing."

Read a first time.

Rules suspended.

Read a second time.

Rules suspended.

Read a third time and

Passed.

The title was agreed to.

Mr. Brooks, from Committee on Corporations, submitted the following report:

Having had under consideration House Bill No. 144, entitled "An Act to amend an Act to incorporate the City of Lecompton," report the same, without amendment, and recommend its passage.

Also, House Bill No. 201, entitled "An Act to incorporate the Riley Town Company," report the same and recommend its passage with the following amendment:

In section 5, strike out the words "twelve hundred" and insert "six hundred."

P. R. BROOKS, Chairman.

House Bill No. 167, entitled "An Act for the more uniform transaction of Township business," was taken up, and,

On motion of Mr. Parks, was postponed and made the special order of to-morrow at ten o'clock.

Mr. Chandler introduced House Bill No. 348, "An Act to charter a ferry across the Smoky Hill River."

Read a first time.

Rules suspended.

Read a second and third times and

Passed.

The title was agreed to.

Mr. Sopris, from Special Committee on House Bill No. 182, "An Act to authorize Simeon Ritter and others to build a bridge," submitted the following report:

For each mule and horse, ten cents.
For one horse and rider, twenty cents.
Each head of work cattle, ten cents.
Other stock, each head, ten cents.
One horse and carriage, twenty-five cents.
Two horses and carriage, fifty cents.
Six horses, or oxen, and wagon, one dollar.

Your Committee, to whom was referred House Bill No. 182, have had the same under consideration, and recommend its passage with the above amendment.

R. SOPRIS.

Mr. Elliott, from Select Committee on House Bill No. 341, submitted the following report:

The Select Committee, to whom was referred House Bill No. 341, have examined the same, and report the Bill back without amendment, and recommend its passage.

S. C. ELLIOTT, Chairman.

House Bill No. 166, "An Act defining the jurisdiction of the Probate Courts, and fixing the time of holding the same," was taken up, and,

On motion of Mr. Bartlett, was laid upon the table.

House Bill No. 76, entitled "An Act to amend an Act entitled 'An Act respecting Executors and Administrators, of their appointment and removal from office,'" was taken up, and,

On motion of Mr. Sims, was postponed and made the special order of two o'clock to-morrow.

Mr. Morton asked that certain petitions relating to the southern boundary of Breckenridge county, be delivered into his hands.

Mr. Pierce moved to amend by delivering the petitions into the hands of Messrs. Wood, Morton and Elliott.

Carried.

Mr. Lynde introduced House Bill No. 349, "An Act legalizing certain acts therein named."

Read a first time.

Rules suspended.

Read a second time.

Mr. Blake moved to indefinitely postpone the Bill.

Mr. Lynde moved to lay the motion upon the table.

The yeas and nays were ordered.

Yeas—18. Nays—9.

Yeas, Messrs. Bartlett, Brooks, Chandler, Canniff, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lynde, McMath, Morton, Pierce, Robertson, Rankin, Shively, Wagstaff and Wood.

Nays, Messrs. Brown, Blake, Cornwell, Cave, Lombard, Lindsay, Reynolds, Scott and Whitehead.

Messrs. Sims, Steward and Mr. Speaker were excused from voting.

So the motion prevailed.

Mr. Blake moved that the Bill be referred to a Select Committee of five.

Mr. Lynde moved to lay that motion upon the table.

Lost.

Mr. Lynde moved that the Bill be referred to the Judiciary Committee.

Carried.

On motion of Mr. Rankin, House Bill No. 126, "An Act providing for the permanent location of the county seat of Douglas county," was taken up.

Read a third time and

Passed.

The title was agreed to.

Council Bill No. 127, "An Act divorcing William H. Russell and Jannette Russell," was taken up.

Mr. Knowles moved that the Bill be indefinitely postponed.

Mr. Brown moved to lay the motion upon the table.

Carried.

Mr. Fitzpatrick demanded the previous question, which was sustained.

The Bill was read a third time, and, being upon its final passage,

The yeas and nays were demanded.

Yeas—23. Nays—10.

Yeas, Messrs. Brown, Bartlett, Brooks, Canniff, Cornwell, Elliott, Fitzpatrick, Heath, Jones, Lombard, Lynde, Noel, Nelson, Robertson, Steward, Sims, Shively, Sheldon, Sopris, Vanderslice, Whitehead, Wood and Mr. Speaker.

Nays, Messrs. Chandler, Cave, Knowles, Lindsay, Murphy, McMath, Pierce, Rankin, Scott and Wagstaff.

So the Bill passed.

Title was agreed to.

House Bill No. 141, was taken up, entitled "An Act changing the name of Breckenridge county."

Read a third time, and, being upon its final passage,

The yeas and nays were demanded.

Yeas—21. Nays—14.

Yeas, Messrs. Bartlett, Chandler, Canniff, Cave, Elliott, Fitzpatrick, Jones, Knowles, Lynde, Lindsay, Morton, Nelson, Pierce, Robertson, Rankin, Steward, Shively, Sheldon, Wagstaff, Wood and Mr. Speaker.

Nays, Messrs. Blake, Brooks, Cornwell, Heath, Lombard, Murphy, McMath, Noel, Reynolds, Sims, Scott, Sopris, Vanderslice and Whitehead.

So the Bill passed.

Council Bill No. 157, "An Act to change the boundary lines between Davis and Riley counties, and to change the name of Davis county."

Read a second time and

Referred to a Special Committee of Messrs. Chandler and Reynolds.

Mr. Canniff, from Committee on Phraseology, submitted the following report:

The Committee on Phraseology, to whom was referred House Bill No. 202, entitled "An Act to incorporate the Mount Prospect Cemetery Association," beg leave to report the following Bill as a substitute, and recommend its passage:

S. R. CANNIFF, Chairman.

Mr. Brooks, from Committee on Incorporation, submitted the following report:

The Committee on Corporations, having had under consideration House Bill No. 193, entitled "An Act to establish a Ferry across the Kansas River, at the Town of De Soto," report the same and recommend its passage without amendment.

P. R. BROOKS, Chairman.

House Bill No. 193, "An Act to establish a Ferry across the Kansas River, at the Town of De Soto," was taken up.

Read a second time.

Rules suspended.

Read a third time and

Passed.

The title was agreed to.

Council Bill No. 259, "An Act relating to Counties and County Officers," was taken up, and

On motion of Mr. Wood, it was so amended that the 19th section in the Bill should not apply to Morris, Chase and Butler counties.

On motion of Mr. Elliott,

House adjourned until 7 o'clock this evening.

EVENING SESSION.

SEVEN O'CLOCK.

Mr. Parks moved a call of the House, which was ordered, and the Sergeant-at-Arms directed to bring in absentees.

The Sergeant-at-Arms returned with Messrs. Brooks, Heath, Rankin, Wagstaff, Fitzpatrick and Morton.

On motion of Mr. Parks, further proceedings under the call were dispensed with.

Message from the Council:

MR. SPEAKER:—The Council direct me to notify the House that the Council have passed Council Bill No. 66, "An Act defining the powers and jurisdiction of the Probate Courts."

Council Bill No. 147, "An Act providing for the payment of the Liabilities of Neosho City."

House Bill No. 169, "An Act to establish a County Poor House in Leavenworth County."

House Bill No. 81, "An Act to provide for the location of the county seat of Linn county," with the following amendments, in which your concurrence is desired:

In section 7, 7th line, after "county" insert "provided that nothing herein contained, shall be here construed as to render the county liable for any expense in conducting said elections; nor shall the public money be used, nor the credit of the county pledged in any way for the erection of county buildings for the space of two years from the passage of this act.

JOHN J. INGALLS,
Secretary.

MR. SPEAKER:—The Council directs me to notify the House that they have passed House Bill No. 190, "An Act to incorporate Olathe Lodge No. 19, of Ancient Free and Accepted Masons."

House Bill No. 181, "An Act to authorize Leavenworth county to issue bonds for Railroad purposes."

House Bill No. 171, "An Act to incorporate the Free Point Town Company."

House Bill No. 163, "An Act to incorporate the New Brighton Town Company."

House Bill No. 147, "An Act to incorporate the City of Burlingame."

House Bill No. 146, "An Act to provide for the organization of the county of Cherokee."

House Bill No. 88, "An Act to incorporate the Dayton Town Company."

House Bill No. 137, "An Act to incorporate the Town of Saratoga West."

House Bill No. 121, "An Act to incorporate the Wyandott Lodge of Masons."

House Bill No. 116, "An Act to incorporate Smithton Lodge No. 1."

House Bill No. 115, "An Act to incorporate the Palermo Coal Mining Company."

House Bill No. 111, "An Act to incorporate a Ferry at Ogden."

House Bill No. 84, "An Act to incorporate the Stanton University."

House Bill No. 300, "An Act to establish a Toll Bridge across the Marais des Cygnes."

House Bill No. 303, "An Act to amend an Act in relation to the rights of Married Women."

House Bill No. 255, "An Act to change the name of Isabella Vaughn."

House Bill No. 205, "An Act to change the name of Mary K. Patterson."

House Bill No. 194, "An Act to incorporate the Leavenworth Mercantile Library Association."

Council Bill No. 99, "An Act to incorporate the Kansas Law Institute and Library."

Council Bill No. 116, "An Act to incorporate the Ottumwa Lodge of Masons."

Council Bill No. 115, "An Act to incorporate the Town of Ottumwa."

Council Bill No. 113, "An Act to incorporate the Lawrence Musical Association."

House Bill No. 26, "An Act to authorize William D. Harris and Alexander Street to build a bridge across 110 mile creek."

House Bill No. 122, "An Act to extend the time for the completion of the bridge at Tecumseh."

House Bill No. 30, "An Act to incorporate the Elwood Building Association."

Council Bill No. 69, "An Act to change the location of a Territorial road."

[illegible]he Council have concurred in House amendments to Council [illegible] No. 30, "An Act to establish a Toll Bridge across Monu[illegible]ent creek."

Council Bill 61, "An Act to incorporate the Irving Town Company."

JOHN J. INGALLS,
Secretary.

Mr. Parks offered the following resolution, which was adopted:

Resolved, That the House hold no more night meetings during this session.

Mr. Sopris introduced House Bill No. 352, "An Act supplemental to an Act defining the Judicial Districts of the Territory, and fixing the time and place of holding Courts therein."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Joint Judicial Committee of both Houses.

House Bill No. 18, "An Act providing for the location of the County Seat of Linn county," was taken up.

Mr. Jones moved that the House concur in the amendments of the Bill.

Carried.

On motion of Mr. Cornwell,

The House adjourned.

GUSTAVUS A. COLTON,
Speaker of the House of Representatives.

M. W. DELAHAY,
Chief Clerk.

WEDNESDAY, February 15, 1860,
9 o'clock, A. M.

The Speaker and Speaker *pro tem.* being absent, House [illegible] to order by the Clerk.

On motion of Mr. Lindsay, Mr. Scott was chosen Speaker *pro tem.*

Roll called.

Absentees, Messrs. Brown, Bartlett, Chandler, Dutton, Elliott, Knowles, Lynde, Murphy, McMath, Morton, Nelson, Reynolds, Rankin, Sims, Wood and Mr. Speaker.

The Journal of yesterday was read and approved.

Mr. Blake offered the following resolution:

Resolved, That the Committee to whom was referred House Bill No. 349 be instructed to report the same back to the House, on Thursday next, at 10 o'clock, A. M., and that it be made the special order for that hour.

Mr. Lynde moved to amend by inserting, "as much sooner as the Committee may think proper."

Carried.

Mr. Lynde moved to further amend by striking out all that portion relating to making it the special order of Thursday next.

Carried.

The question recurring upon the adoption of the resolution as amended, it prevailed.

Mr. Robertson offered the following resolution, which was adopted:

Resolved, That D. W. Wilder, Esq., Editor of the Elwood *Press* be admitted to a seat within the bar of this House.

Mr. Sims, from the Committee on Enrolled Bills, submitted the following report:

Mr. Speaker:—The Committee on Enrolled Bills, having examined House Bill No. 193, entitled "An Act to incorporate the City of Bellemont, in Doniphan county, K. T."

Also, House Bill No. 173, entitled "An Act to incorporate the Kansas Philo-Dramatic Institute."

Also, House Bill No. 79, entitled "An Act providing for the location of the Seat of Justice of Breckenridge county."

Also, House Bill No. 97, entitled "An Act to provide for the issuing of Duplicate Territorial Warrants in certain cases," find the same correctly enrolled.

C. SIMS, Chairman.

Mr. Wood asked leave to be excused from serving longer upon the Committee appointed to inquire into the state of the Public Buildings, at Lecompton.

Leave was granted, and Mr. Morton appointed in his stead.

On motion of Mr. Wood, Council Bill No. 110, "An Act legalizing certain Conveyances," was referred to a Select Committee of three.

Messrs. Wood, Brooks and Wagstaff, Committee.

Mr. Sopris introduced House Concurrent Resolution No. 14, in reference to memorializing Congress for a new Judicial District.

Read a first time.

Rules suspended, and

Read a second time, and

On motion of Mr. Lynde was referred to Committee on Judiciary.

The special order being House Bill No. 167, "An Act for the more uniform mode of transacting Township business," it was taken up.

Mr. Knowles offered a substitute to the Bill, which was read for information, and

On motion of Mr. Parks,

The House resolved itself into a Committee of the Whole, upon the consideration of the Bill.

Mr. Lynde in the chair.

After some time spent in the Committee of the Whole,

The Committee arose, and through their chairman reported progress, and recommended that the substitute be received and printed.

The report was agreed to.

On motion of Mr. Heath, the Committee on Ways and Means were allowed further time wherewith to make their report to this House.

Mr. Parks moved that all Bills relating to Township organizations be made the special order of ten o'clock to-morrow.

Carried.

On motion of Mr. Parks, House Bill No. 187, "An Act to establish a Probate Court for Leavenworth county," was taken up.

Mr. Bartlett moved that the House resolve itself into Committee of the Whole, on the consideration of the Bill.

Lost.

Mr. Wood offered the following amendment, which was adopted:

Insert the words "Morris, Chase, Butler, Madison, Arrapahoe, Pottawatamie and Wabaunsee counties," in the first section of the Bill, after the word Leavenworth.

Mr. Lynde moved that the word "Leavenworth," in section 1, be stricken out and the words "each organized county in the Territory" be inserted.

Carried.

Mr. Sopris moved to reconsider the vote by which the provisions of the Bill became general.

Mr. Wood moved to lay the motion upon the table.

Yeas and nays were ordered.

Yeas—14. Nays—21.

Yeas, Messrs. Bartlett, Brooks, Chandler, Cave, Dutton, Heath, Lombard, Murphy, Morton, Noel, Rankin, Vanderslice, Wagstaff and Wood.

Nays, Messrs. Blake, Canniff, Cornwell, Elliott, Fitzpatrick, Jones, Knowles, Lynde, Lindsay, McMath, Nelson, Parks, Pierce, Robertson, Steward, Sims, Shively, Sheldon, Scott, Sopris and Whitehead.

So the motion was lost.

The question recurring upon the motion of Mr. Sopris, to reconsider the vote,

The motion prevailed.

Mr. Parks moved to lay the Bill upon the table and make it a special order of two o'clock, on Friday next.

Carried.

Mr. Wood, from the Committee on Judiciary, submitted the following report:

The Judiciary Committee, to whom was referred House Bill No. 349, "An Act legalizing certain acts therein named," beg leave to report the same back and recommend its passage.

S. N. WOOD,
E. LYNDE,
A. BARTLETT.

The report was accepted and agreed to.

On motion of Mr. Lynde, House Bill No. 349, "An Act legalizing certain acts therein named," was taken up, and

Read the third time, upon which

Mr. Lynde demanded the previous question on its passage.

The yeas and nays were ordered.

Yeas—14. Nays—16.

Yeas, Messrs. Bartlett, Brooks, Chandler, Dutton, Fitzpatrick, Jones, Knowles, Lynde, McMath, Morton, Pierce, Shively, Scott and Wood.

Nays, Messrs. Brown, Blake, Cornwell, Cave, Elliott, Heath, Leonard, Nelson, Robertson, Rankin, Steward, Sims, Sopris, Vanderslice, Whitehead and Wagstaff.

So the demand for the previous question was not sustained.

On motion of Mr. Elliott,

House adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

Mr. Knowles moved a call of the House,

Which was ordered, and the

Doorkeeper directed to bring in absent members.

Absent members, Messrs. Brooks, Chandler, Cornwell, Heath, Jones, Lindsay, Morton, Noel, Parks, Reynolds, Sims, Sopris, Wright and Wagstaff.

The doorkeeper returned with Messrs. Heath, Morton and Reynolds.

A quorum being present,

On motion of Mr. Lynde, further proceedings under the call were dispensed with.

The consideration of House Bill No. 357, "An Act legalizing certain acts therein named," was resumed.

Mr. Wood demanded the previous question upon the passage of the Bill, which demand was not sustained.

The question being, "Shall the Bill pass?"

Yeas and nays were ordered.

Yeas—18. Nays—15.

Yeas, Messrs. Bartlett, Brooks, Chandler, Canniff, Dutton, Fitzpatrick, Heath, Jones, Knowles, Lynde, Murphy, Pierce, Robertson, Shively, Sheldon, Scott and Wood.

Nays, Brown, Blake, Cornwell, Cave, Lombard, Noel, Parks, Nelson, Reynolds, Rankin, Steward, Sims, Vanderslice, Whitehead and Wagstaff.

So the Bill passed.

The title was agreed to.

Mr. Wood moved to reconsider the vote.

Mr. Lynde moved to indefinitely postpone the motion to reconsider.

Carried.

Mr. Wood offered the following Joint Resolution, which was read and laid over, under the rules;

WHEREAS, We understand the Government of the United States to assume the general direction and control of the Territories subject to its authority, and to undertake to furnish for them, at its own expense, a system of Government for the period during which they remain in a Territorial condition; and,

WHEREAS, The Territory of Kansas has been compelled, under the operations of the Organic Act, to incur many expenses in the carrying out of the system of Government furnished by Congress, and is at present suffering under pressure of indebtedness, caused by this necessity; and,

WHEREAS, The Government thus furnished for and administered in Kansas by the Federal authority, has not resulted in the preservation of peace and the protection of property and of individual rights, and thereby has failed to fulfill its purpose; and,

WHEREAS, The citizens of Kansas have been great sufferers, both in person and property, from this cause, and have for years been anxiously demanding of Congress the right of a Government of their own, and are still denied the enjoyment of that right; and,

WHEREAS, The burdens of taxation upon the people have been greatly increased by the refusal of Congress to admit us into the Union, thereby necessitating new efforts on our parts, to accomplish that end, while that refusal also discourages the emigration which would otherwise largely enhance our prosperity and prevents the influx of capital which would result from the operation of a State government; and

WHEREAS, The failure of the general government to extinguish the Indian titles to vast tracts of the finest lands in Kansas, incumbers nearly all the best counties in the Territory, with large reservations which greatly diminish the area of taxable land, while they increase the cost of local governments; therefore,

Resolved, By the House of Representaves of the Territory of Kansas, (the Council concurring), that Congress be and hereby is respectfully requested to make appropriations for Kansas, which will discharge her indebtedness and provide for the expenses of the current year.

Mr. Wood offered the following resolution:

Resolved, That we look upon the institution of Slavery, as a local question, existing only by local positive law, with which the general government have nothing to do.

Second, That the people of Kansas, now, as they have ever done, look upon Slavery as an evil and unfavorable to the full development of the spirit and practical benefits of free institutions, and that they will, at all times, feel it to be their duty to use all power clearly given them by the terms of the national compact, to prevent its increase, to mitigate and finally extirpate the evil.

Third, That we deny the power of the Supreme Court of Congress, to force Slavery upon Kansas, contrary to the wishes of the people of this Territory.

Fourth, That we deem it against ~~the~~ interest of the people of Kansas, to encourage the settlement of free negroes in this Territory.

Fifth, That we believe it the duty of the general government, to secure a location in some of the southern Territories, either by treaty or purchase, for the settlement of the free negroes of the United States, with a view to the entire separation of the two races.

Mr. Heath moved to lay the resolution upon the table.

Yeas and nays were ordered.

Yeas—22. Nays—12.

Yeas, Messrs. Brown, Blake, Brooks, Canniff, Cornwell, Cave, Dutton, Fitzpatrick, Heath, Lombard, Murphy, Noel, Parks, Rankin, Sims, Shively, Sheldon, Scott, Sopris, Vanderslice, Whitehead and Wagstaff.

Nays, Messrs. Bartlett, Elliott, Jones, Knowles, Lynde, Lindsay, Morton, Nelson, Pierce, Robertson, Steward and Wood.

So the resolution was laid on the table.

Mr. Parks offered the following resolution:

Resolved, By the House of Representatives, (the Council concurring therein,) that this Legislature do adjourn *sine die*, at 12 o'clock, M., on Monday, February 27, 1860.

Mr. Parks moved to suspend the rules, that the resolution might be read a second time.

Mr. Wood moved to lay the motion upon the table.

Lost.

The question recurring on the motion to suspend the rules,

The yeas and nays were ordered.

Yeas—20. Nays—14.

Yeas, Messrs. Brown, Blake, Bartlett, Brooks, Cornwell, Dutton, Heath, Lombard, Murphy, Noel, Parks, Robertson, Rankin, Steward, Shively, Scott, Sopris, Vanderslice, Whitehead and Wagstaff.

Nays, Messrs. Canniff, Cave, Elliott, Fitzpatrick, Jones, Knowles, Lynde, Lindsay, Morton, Nelson, Pierce, Sims, Sheldon and Wood.

So the motion to suspend the rules prevailed, and

The resolution was read a second time.

Mr. Wood, from the Judiciary Committee, submitted the following report:

The Committee on Judiciary, to whom was referred Council Bill No. 88, "An Act to amend an Act entitled 'An Act to incorporate and establish the city of Leavenworth,'" &c., beg leave to report the same to the House and recommend its passage, with the following amendments:

In the title, strike out the words "and also amending the Act incorporating said city."

In section 7, amend by adding "the provisions of this section shall apply to all improvements heretofore made in said city, to the full amount of the value of such improvement, which shall be ascertained by three disinterested commissioners, to be appointed by the city council, who shall be sworn to faithfully and impartially value and ascertain the worth of such improvements; and they shall return a statement of the same, under their hands and seals, to the city council. and it shall be a lien against such property, until paid or collected, any law or usage to the contrary notwithstanding."

Section 10. Between the words "the" and "Recorder." insert the words, "person holding the office of." In the third line of same section, strike out the word "original," and between the word "jurisdiction," in the third line. and the word "all" in the beginning of fourth line. insert, "to hear and determine." After the word "city," in fifth line of section ten, strike out balance of section, and insert "and shall have exclusive original jurisdiction of all offences against the laws of this Territory, committed within the limits of said city, and such other powers as are or may be by law conferred upon justices of the peace, excepting in civil cases." Also, add to same section, "nothing in this Act shall be so construed as to prevent the Recorder of said city from proceeding to try and determine, or in any manner interfere with his jurisdiction in civil cases already commenced before him."

Section 30, add, "except as in this Act otherwise provided." Also, add to the same section, "that the Justices of the Peace, in Leavenworth township, shall be authorized to proceed as though this Act had not been passed, in all cases already commenced before them, and all the acts of said Justices of the Peace, done by virtue of their office, are hereby declared legal and valid."

Respectfully submitted on behalf of Committee.

S. N. WOOD, Chairman.

The Judiciary Committee, having had under consideration the following Bills, report the same back to the House, and recommend their passage:

House Bill No. 313, "An Act to amend an Act entitled 'An Act concerning Guardians and Wards.'"

House Bill No. 274, "An Act relating to the fees of Officers."

House Bill No. 268, "An Act relating to the commitment of prisoners."

House Bill No. 264, "An Act to provide for a Justice of the Peace in and for the city of Ogden."

House Bill No. 329, "An Act to amend an Act entitled 'An Act exempting certain property from sale upon execution or other process,'" approved February 7th, A. D. 1859.

House Bill No. 345, "An Act to amend an Act entitled 'An Act to establish a Code of Civil Procedure.'"

House Bill No. 179, "An Act to amend an Act entitled 'An Act to define the duties of Justices of the Peace in cases of breach of the peace.'"

House Bill No. 324, "An Act to prevent and punish armed invasions from and into this Territory."

House Bill No. 312, "An Act relating to exemptions," amend by striking out section two.

House Bill No. 320, "An Act to legalize certain acts of Erastus W. Stratton," amend by striking out the word "the," section one, fourth line, and insert the words "all official."

Respectfully submitted, on behalf of Committee.

S. N. WOOD, Chairman.

The Judiciary Committee, having had under consideration the following Bills, have directed me to report the same to the House, and recommend their passage:

Council Bill No. 71, "An Act to change the name of the

Whitehead Town Company, and to provide for the collection of its taxes."

Council Bill No. 128, "An Act amendatory to an Act entitled 'An Act exempting certain property from sale on Execution or other process.'"

Council Bill No. 21, "An Act exempting certain land from the provisions of an Act entitled 'An Act to incorporate the city of Sumner.'"

Council Bill No. 74, "An Act to regulate Chattel Mortgages and bills of sale of Personal Property."

Council Bill No. 75, "An Act for the relief of Frank W. Roberts."

Council Bill No. 81, "An Act to regulate Criminal Procedure before Justices of the Peace, and other inferior tribunals."

House Bill No. 273, "An Act to amend an Act entitled 'An Act to restrain Dram Shops and Taverns, and regulate the sale of Intoxicating Liquors.'"

Council Bill No. 77, "An Act regulating the verification of Pleadings."

Respectfully submitted, on behalf of Committee.

S. N. WOOD, Chairman.

Mr. Sheldon, from the Committee on Engrossed Bills, made the following report:

The Committee on Engrossed Bills have examined House Bill No. 22, "An Act to organize the County of Washington," and find it correctly engrossed.

O. H. SHELDON, Chairman.

Mr. Bartlett, from the Committee on Elections, made the following report:

The Committee on Elections, to whom was referred House Bill No. 311, entitled "An Act to incorporate the Detroit Town Company," have had the same under consideration, and report the same back, and recommend its passage, without amendment.

A. BARTLETT, Chairman.

The undersigned, members of the Committee on Elections, to whom was referred House Bill No. 325, "An Act providing for the location of county seats," have considered the same and report the same back, and recommend its passage.

A. BARTLETT,
HUGH ROBERTSON.

The undersigned, members of the Committee on Elections, having had under consideration House Bill No. 325, entitled

"An Act providing for location of county seats," report the same back to the House, and recommend its indefinite postponement.

S. R. CANNIFF,
H. SHIVELY.

Mr. Brown, from a Special Committee, submitted the following report:

Mr. Speaker:—The Special Committee, to whom was referred House Bill No. 344, have had the same under consideration, and report the same back without amendment, recommending its passage.

F. BROWN, Chairman.

Mr. Brooks, from the Committee on Incorporations, submitted the following report:

The Committee on Corporations and Banking, having had under consideration House Bill No. 334, entitled "An Act to incorporate Leavenworth Lodge, No. 1, of the Independent Order of the Sons of Malta," report the same and recommend its passage, without amendment.

The Committee has also examined Council Bill, No. 90, entitled "An Act to charter a Ferry across the Smoky Hill River," and recommend its passage, with the following amendments to wit:

In section 1, strike out "20" and insert "10."

In section 3, strike out the word "unreasonable."

The Committee have also had under consideration House Bill No. 289, entitled "An Act to charter a Ferry across the Neosho River, near Ottumwa, K. T.," and beg leave to report it back without amendment, and recommend its passage.

The Committee on Corporations and Banking, having had under consideration House Bill No. 331, entitled "An Act to incorporate the Eastern Kansas Railroad Company."

Also, Council Bill No. 100, entitled "An Act to incorporate the Great Western Mining Company."

Also, Council Bill No. 23, entitled "An Act to establish a Toll Bridge over the Arkansas River, at the mouth of the Fountaine qui Bouille River."

Also, House Bill No. 281, entitled "An Act to incorporate the Occidental Cricket Club of Leavenworth City."

Also, House Bill 326, entitled "An Act to incorporate the Saint Mariesville Town Company," report the same with amendments, and recommend its passage.

The Committee on Corporations and Banking, having had under consideration House Bill No. 337, entitled "An Act to incorporate the Town of Hiawatha."

Also, House Bill No. 314, entitled "An Act to incorporate the Council Grove Insurance Company," report the same, and recommend their passage without amendment.

The Committee on Corporations, having had under consideration House Bill No. 334, entitled "An Act to incorporate the Leavenworth College," report the same, and recommend its passage with the following amendment, to wit:

Strike out the words in section 9, "or unevangelical."

P. R. BROOKS, Chairman.

The special order being House Bill No. 176, entitled "An Act defining the jurisdiction of the Probate Court, and fixing the times of holding the same," was taken up.

— On motion of Mr. Parks, the Bill was laid upon the table, and made the special order of Tuesday next, at two o'clock, P. M.

Mr. Whitehead, from the Special Committee on Incorporations, submitted the following report:

Your Special Committee, to whom was referred House Bill No. 117, "An Act to amend an Act entitled 'An Act to incorporate the Marysville, Palmetto and Roseport Railroad Company,'" and House Bill No. 177, "An Act authorizing cities and counties to take stock in Railroads, and sell its bonds to provide for the payment thereof," beg leave to report, that they have had both of said Bills under their consideration, and after having carefully examined both Bills, recommend the passage of House Bill No. 117, and recommend that Bill No. 177 be indefinitely postponed; each of said Bills are intended to make general provisions, enabling counties and towns to take Railroad stock, and issue their bonds for payment for same. That such a general law is needed, we think all will admit. In the judgment of your Committee, the provisions of Bill 117, are more full and equitable than those of Bill 177. All will admit that it is not necessary to have two general laws on the subject, and it is not out of any unfriendly feeling or jealousy of Bill 177, that your Committee report against it, but because we believe the provisions of Bill 117 will better meet the wants of the Territory. All of which is respectfully submitted.

CARY B. WHITEHEAD,
THOMAS LINDSAY,
F. BROWN.

House Bill No. 258, "An Act making an additional appropriation for the expenses of Wyandott Constitutional Convention,"

On motion of Mr. Fitzpatrick, was referred to the Committee on Ways and Means.

Message from the Council:

Mr. Speaker:—The Council direct me to notify the House, that the Council concur in addition suggested to section 19, of House Bill 259, relating to counties.

Also, that they have passed Council Bill No. 176, "An Act to change the name of Thomas A. Vest," and ask your concurrence.

JOHN J. INGALLS,
Secretary.

Message from the Governor:

Executive Office, K. T.,
February 13, 1860.

To the Speaker of the House of Representatives:

I have this day approved House Bills, "An Act to extend the time for the collection of Taxes in Jefferson county," and

"An Act to legalize the Assessment of Taxes, for the year 1858, in Jefferson county."

Respectfully,

S. MEDARY.

Mr. Bartlett moved to take up the calendar in its order.

Carried.

Mr. Morton moved to reconsider the vote.

Lost.

House Bill No. 30, "An Act to incorporate the Elwood Building Association," was taken up, and passed over, informally.

House Bill No. 258, "An Act defining the mode of laying out Roads," was taken up, and passed over, informally.

House Bill No. 17, "An Act to incorporate the Wyandott Insurance Company," was taken up.

Read a second time, and

Referred to a Select Committee of one.

Mr. McMath, Committee.

House Bill No. 106, "An Act to create a Lien in favor of Mechanics and others," was taken up, and

On motion of Mr. Murphy, was laid on the table.

House Bill No. 218, "An Act organizing and temporarily locating the county seat of Dickinson county," was taken up.

Read a second time, and

Laid over under the rules.

Council Bill No. 68, "An Act for the relief of John Varian and Frank H. Page," was taken up, and

Referred to Committee on Accounts.

Mr. Parks introduced House Bill No. 354, "An Act to incorporate the Leavenworth Fire, Marine and Life Insurance Company."

Read a first time.

Rules suspended, and

Referred to Committee on Corporations.

Mr. Whitehead introduced House Bill No. 355, "An Act to incorporate the Troy and Iowa Point Railroad Company."

Read first time.

Rules suspended.

Read second time, and

Referred to Committee on Corporations.

Mr. Noel introduced House Bill No. 356, "An Act to incorporate the Wardens and Vestry of Trinity Church, of Atchison."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Incorporations.

Mr. Wood introduced House Bill No. 358, "An Act to protect Debtors making partial payments."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Judiciary.

Mr. Brown introduced House Bill No. 360, "An Act to incorporate the Leavenworth Museum."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Incorporations.

Mr. McMath introduced House Bill No. 361, "An Act authorizing Transcripts of Judgments to be filed in counties other than where Judgment is granted, and to make liens on Real Property."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Judiciary.

Also, House Bill No. 362, "An Act to amend section 60 of the Code of Civil Procedure."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Judiciary.

Also, House Bill No. 363, "An Act to amend section 502 of the Code of Civil Procedure,"

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Judiciary.

Mr. Whitehead introduced House Bill 359, "An Act explanatory of an Act to incorporate the city of Elwood."

Read a first time.

Rules suspended.

Read a second time, and

Referred to a Select Committee of three, Messrs. Whitehead, Jones and Bartlett, Committee.

House Bill No. 3, "An Act providing for the process of Garnishment and other process before Justices of the Peace," was taken up, and,

On motion of Mr. Wood, the

Bill was indefinitely postponed.

Message from the Council:

MR. SPEAKER:—The Council direct me to notify the House that the Council have passed House Bills No. 67, "An Act to charter a ferry at Quindaro."

No. 67, "An Act extending the time for completing a bridge across the Wakarusa."

No. 74, "An Act to incorporate the Ottumwa College Association."

No. 90, "An Act to charter a Ferry at the town of St. George," without amendment.

J. J. INGALLS,
Secretary.

House Bill No. 21, "An Act to facilitate the settlement of the estates of deceased partners," was taken up.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 108, an Act entitled "An Act to amend an Act entitled 'An Act to regulate the Jurisdiction and Prodedure before a Justice of the Peace, and the duties of Constables in Civil Cases,'" was taken up, and,

On motion of Mr. Wood,

The Bill was referred to the Committee on Judiciary.

House Bill No. 132, "An Act to regulate the taking up and posting of Strays," was taken up.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 139, "An Act to incorporate the Arrapahoe County Gas Light Company," was taken up.

Read a third time, and

Passed.

The title was agreed to.

Mr. Robertson, from the Committee of Conference on House Bill No. 40, submitted the following report:

The Committee of Conference, to whom was referred Council Bill No. 40, "An Act to incorporate the city of Troy," having had the same under consideration, have agreed that the House recede from House amendments to said Bill, and the said Committee, on the part of the House, so recede.

HUGH ROBERTSON,
P. G. D. MORTON,
P. R. BROOKS,
C. SIMS,
W. H. FITZPATRICK.

The report was agreed to.

House Bill No. 142, "An Act to amend an Act entitled 'An Act to restrain dram shops and taverns and regulate the sale of intoxicating liquors," was taken up.

Mr. Wood moved to indefinitely postpone the Bill.

Carried.

House Bill No. 154, "An Act to provide for the partition of Real Estate," was taken up.

On motion of Mr. McMath,

The House resolved itself into a Committee of the Whole, for the consideration of the Bill.

Mr. McMath in the chair.

After some time spent therein,

The Committee arose, and through their chairman submitted the following report, which was agreed to:

The Committee of the whole House have had under consideration House Bill No. 154, "An Act to provide for the partition of Real Estate," and report the same back to the House, with the following amendment, and recommend the passage of the Bill:

Strike out the word "fifty" in section 3, and insert "sixty."

In section 9, add the word "we" before the word "appraise" in eighth line of printed Bill.

W. L. McMATH, Chairman.

The Bill having been read a third time, was

Passed.

The title was agreed to.

Mr. Morton introduced House Bill No. 365, "An Act relating to information in the District Courts."

Read a first time.

Rules suspended.

Read a second time, and

Referred to a Special Committee of three: Messrs. Morton, Cornwell and Wood.

Mr. Wood moved that the Committee be instructed to report a Bill to abolish Grand Juries in the Territory of Kansas.

Mr. Bartlett moved to lay the motion upon the table.

The yeas and nays were ordered.

Yeas—21. Nays—5.

Yeas, Messrs. Bartlett, Brooks, Chandler, Cornwell, Fitzpatrick, Jones, Lombard, McMath, Noel, Nelson, Pierce, Robertson, Rankin, Shively, Sheldon, Scott, Sopris, Vanderslice, Whitehead and Wagstaff.

Nays, Messrs. Cave, Elliott, Lindsay, Morton and Wood.

So the motion prevailed.

Message from the Council:

MR. SPEAKER:—The Council instruct me to notify the House that the Council recede from their amendments to House Bill No. 81, "An Act to provide for the location of the County Seat of the county of Linn."

Also, that they have passed House Bill No. 145, "An Act to provide for the organization of Clay county," without amendment.

JOHN J. INGALLS,
Secretary.

Mr. Wood introduced House Bill No. 357, an Act entitled "An Act to restrain Dram Shops and Taverns, and regulate the sale of Intoxicating Liquors."

Read a first time.

Mr. Bartlett moved to indefinitely postpone the Bill.

Mr. Lynde moved to lay the motion upon the table.

Carried.

On motion of Mr. Lynde, the rules were suspended, and

Bill read a second time, and

Referred to Committee on Judiciary.

Mr. Wood, from the Judiciary Committee, submitted the following report:

The Judiciary Committee, having had under consideration the following Bills, have instructed me to report the same back to the House, and to recommend that they be indefinitely postponed:

House Bill No. 323, "An Act to amend an Act entitled 'An Act regulating Conveyances.'"

House Bill No. 267, "An Act relative to Pleadings."

House Bill No. 301, "An Act to amend an Act entitled 'An Act concerning County Jails.'"

House Bill No. 327, "An Act relating to limited Partnerships."

Also, the following Petitions:

Petition for the pardon of Robert McNoon.

Petition of Wm. Aiken, for divorce, and

House Bill No. 330, "An Act for the relief of Hugh M. Kennedy."

Respectfully submitted on behalf of Committee.

S. N. WOOD, Chairman.

We also recommend the indefinite postponement of House Bill No. 840, "An Act divorcing Wm. W. Atkinson from Ruth M. Atkinson."

On behalf of Committee.

S. N. WOOD, Chairman.

House Bill No. 156, "An Act to license and tax Peddlars," was taken up, and

Read a third time, and

Being upon its final passage,

The yeas and nays were ordered.

Yeas—22. Nays—7.

Yeas, Messrs. Brown, Brooks, Chandler, Cornwell, Cave, Elliott, Fitzpatrick, Jones, Knowles, Lynde, McMath, Nelson, Pierce, Robertson, Rankin, Steward, Scott, Sopris, Vanderslice, Whitehead, Wagstaff and Wood.

Nays, Messrs. Bartlett, Lombard, Lindsay, Noel, Reynolds, Shively and Sheldon.

So the Bill passed.

The title was agreed to.

Mr. Nelson moved to reconsider the vote.

Mr. Elliott moved to lay the motion upon the table.

Carried

Mr. Brown introduced House Bill No. 364, "An Act divorcing Gertrude Sevier from William Sevier."

Read the first time.

Rules suspended.

Read the second and third time, and

Passed.

The title was agreed to.

On motion of Mr. Nelson,

The House adjourned.

GUSTAVUS A, COLTON,
Speaker of the House of Representatives.

M. W. Delahay,
Chief Clerk.

Thursday, February 16, 1860,
9 o'clock, A. M.

House called to order by the Speaker *pro tem.*

Roll called.

Absentees, Messrs. Brown, Blake, Bartlett, Brooks, Canniff, Cornwell, Elliott, Knowles, McMath, Parks, Pierce, Rankin, Sims, Sheldon, Wright, Wagstaff, Wood and Mr. Speaker.

Not being a quorum present, a call of the House was ordered, and the Sergeant-at-Arms directed to bring in absentees.

The Sergeant-at-Arms returned with Messrs. Heath and Brown.

A quorum being present, the further proceedings under the call were dispensed with.

The Journal of yesterday was read and approved.

Message from the Council:

Mr. Speaker:—The Council direct me to notify the House that the Council have passed Council Bill No. 148, entitled "An Act to divorce James Reynolds and Harriet Reynolds," and ask your concurrence.

JOHN J. INGALLS.

Mr. Jones asked leave to withdraw certain petitions relating to the county lines of Linn county.

Leave was granted.

Mr. Lynde offered the following resolution, which was adopted:

Resolved, That the Docket Clerk of this House is hereby directed to prepare and have printed for this House, a transcript of the docket, showing the number of and title of all House and Council Bills introduced into this House, and the condition of the same at this time.

Mr. Wood presented a petition of Thomas Ashmore and 265 others, of Woodson and Greenwood counties, praying for a Territorial road from Emporia to Eureka.

Referred to a Joint Committee on Roads and Highways.

—Mr. Bartlett offered the following resolution, which was adopted:

Resolved, That the Docket Clerk place upon the daily calendar the name of the person who introduced each Bill.

Mr. Bartlett asked that the Doorkeeper be granted leave of absence until Friday evening.

Leave was granted.

Mr. Wood, from the Committee on Judiciary, submitted the following report:

The Committee on Judiciary, to whom was referred House Bill No. 212, "An Act to authorize the city of Wyandott to sell and convey certain Real Estate," beg leave to report the same back, with amendments marked "No. 1," and recommend its passage.

S. N. WOOD, Chairman.

The report was agreed to, and

House Bill No. 212, was taken up, "An Act to authorize the city of Wyandott to sell and convey certain Real Estate."

On motion of Mr. Lynde, the rules were suspended, and

Bill read a third time, and

Passed.

The title was agreed to.

Mr. Chandler, from the Committee on Council Bill No. 157, submitted the following report:

The Committee, to whom was referred Council Bill No. 157, entitled "An Act defining the boundaries of Davis county," respectfully report that they have given the subject a careful consideration, and while they cannot be fully agreed, yet in view of all the facts and conflicting interests, respectfully submit, for the consideration of the House, the following Bill, as a substitute for the one under consideration. In doing so, however, the member from Davis county is unwilling to be understood to be satisfied with all its features, believing as he does, that it is unjust to a portion of his constituents, and yet, for the purpose of terminating the controversy, he consents to leave the whole matter to the decision of the House, reserving for himself the privilege to vote against the Bill.

DANIEL L. CHANDLER,
ROBERT REYNOLDS.

The report was agreed to.

On motion of Mr. Chandler, the substitute to Council Bill No. 157, as reported by the Special Committee, was taken up, and

Read for information.

The special order for the hour, being House Bill No. 167, "An Act for the more uniform mode of transacting Township business," it was taken up, and

On motion of Mr. Lynde, was postponed for the period of twenty minutes.

The question being, "Shall the substitute to Council Bill No. 157, be read a third time?"

Mr. Parks movod to amend the Bill, by submitting the question to a vote of the people of the counties affected by the change.

Mr. Chandler moved to lay the motion upon the table.

Carried.

The Bill was read a third time, and

Being upon its final passage,

The yeas and nays were ordered.

Yeas—23. Nays—10.

Yeas, Messrs. Blake, Chandler, Canniff, Cornwell, Fitzpatrick, Jones, Knowles, Lynde, Murphy, McMath, Morton, Noel, Nelson, Pierce, Robertson, Rankin, Steward, Sims, Shively, Sheldon, Scott, Sopris and Wood.

Nays, Messrs. Brown, Bartlett, Cave, Dutton, Elliott, Lombard, Lindsay, Parks, Reynolds and Whitehead.

Mr. Brooks was excused from voting.

So the Bill passed.

The title was agreed to.

Mr. Sims, from the Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER:—The Committee on Enrolled Bills, having examined House Bills No. 300, entitled "An Act to establish a Toll Bridge across the Marais des Cygnes river, at Peoria City."

No. 333, "An Act to protect the rights of Married Women, and in relation to the liabilities incident to marriage relation."

No. 116, "An Act to incorporate Smithton Lodge, No. 1, of Ancient Free and Accepted Masons."

No. 171, "An Act to incorporate the Free Point Town Company."

No 26, "An Act to authorize William D. Harris and Alexander Street to build a Bridge across 110 mile creek, at the town of Washington."

No. 181, "An Act to authorize the county of Leavenworth to issue Bonds for Railroad purposes."

No. 88, "An Act to incorporate the Dayton Town Company."

No. 163, "An Act to incorporate the New Brighton Town Company."

No. 121, "An Act to incorporate Wyandott Lodge, No. 3, of Ancient Free and Accepted Masons," and

No. 111, "An Act to incorporate a Ferry at the city of Ogden," find the same correctly enrolled.

C. SIMS, Chairman.

The consideration of House Bill No. 167, "An Act to provide for the more uniform mode of transacting Township business, prescribing the duties of certain offices in connection therewith, and repealing all laws in conflict with the same," was resumed, and

On motion of Mr. Parks, the Bill and the substitute were laid on the table.

Mr. Sheldon, from the Committee on Engrossed Bills, submitted the following report:

The Committee on Engrossed Bills have examined House Bill No. 99, "An Act to prevent the introduction of Diseased Cattle into the Territory of Kansas," and House Bill No. 231, "An Act concerning Divorce and Alimony," and find them to be correctly engrossed.

O. H. SHELDON, Chairman.

Message from the Governor:

EXECUTIVE OFFICE, K. T.,
Feb. 15, 1860.

To the Speaker of the House of Representatives :

I have this day approved of House Bills, "An Act to legalize the acts of Fred. M. Stumbo, acting Justice of the Peace in the township of Blue Rapids, Marshall county, K. T."

"An Act to establish a legal method by which to subdivide a section of land, as required by the United States surveyors, into quarter sections."

"An Act authorizing the transcribing of Deeds, &c., for Wabaunsee county."

"An Act to amend an Act entitled 'An Act incorporating the City of Quindaro.' "

"An Act to incorporate the Leavenworth Turnverein."

"An Act to incorporate the Louisville Town Company."

"An Act to incorporate the First Baptist Church in the city of Atchison, K. T."

"An Act to establish and charter a ferry across the Missouri river, at the city of Wyandott," and

"An Act to change the boundaries of Butler county."

Respectfully,

S. MEDARY.

Mr. Jones, from a Special Committee, submitted the following report:

MR. SPEAKER :—The Special Committee, to whom House Bill No. 98, entitled "An Act to provide for the keeping up of stock at nights," was referred, have had the same under consideration, and report back the accompanying substitute, and recommend its passage.

JAMES H. JONES, Chairman.

The substitute was taken up.

Read, and on motion of Mr. Sims, was passed over informally.

Mr. Rankin, from the Special Committee, submitted the following report:

The Special Committee, to whom was referred Council Bill No. 32, "An Act to charter a toll bridge over the Pawnee Fork of the Arkansas river," report it back, and recommend its passage as amended by Committee on Incorporations.

Mr. Rankin moved that Council Bill No. 32, "An Act to charter a toll bridge over the Pawnee Fork of the Arkansas river," be taken up and

Read a third time.

Mr. Wood moved that the Bill be indefinitely postponed.

Mr. Elliott moved to lay the motion upon the table.

Carried.

Mr. Wood moved to take the motion for indefinite postponement from the table.

The Chair sustained the motion.

Mr. Nelson appealed from the decision of the Chair, on the motion to take from the table the motion to indefinitely postpone the Bill.

The vote being taken, the Chair was not sustained.

Mr. Lynde moved to postpone the Bill till Saturday next, at 12 o'clock, M.

Mr. Rankin moved to lay the motion upon the table.

Lost.

The question recurring upon the motion of Mr. Lynde, to postpone the Bill,

The yeas and nays were ordered.

Yeas—18. Nays—15.

Yeas, Messrs. Elliott, Fitzpatrick, Jones, Lynde, Lindsay, Murphy, McMath, Morton, Parks, Pierce, Robertson, Reynolds, Shively, Sheldon, Scott, Sopris, Vanderslice and Wood.

Nays, Messrs. Brown, Blake, Bartlett, Brooks, Chandler, Cornwell, Cave, Knowles, Lombard, Noel, Nelson, Rankin, Steward, Sims and Whitehead.

So the motion to postpone the Bill prevailed.

Mr. Brooks, from Committee on Corporations, submitted the following report:

The Committee on Corporations, having had under consideration Council Bill No. 101, entitled "An Act to incorporate the Metropolitan Mining Company," report the same and recommend its passage, with the following amendment, to wit:

In section 4, after the word "same," insert "to five hundred thousand dollars."

P. R. BROOKS, Chairman.

The Committee on Incorporations and Banking, having examined House Bill No. 342, entitled "An Act to incorporate the Osage Falls Bridge and Ferry Company," report the same without amendment, and recommend its passage.

The Committee have, also, examined House Bill No. 354, and recommend its passage, without amendment.

Also, House Bill No. 192, entitled "An Act to incorporate the Western Railroad Company."

Also, Council Bill No. 126, entitled "An Act to charter a ferry across the Kansas at Sec. 35, T. 11, R. 23."

Also, Council Bill No. 97, entitled "An Act to charter a ferry over the Kansas river, at the Range line between 21 and 22, in Johnson county."

Report the same, without amendment, and recommend their passage.

P. R. BROOKS, Chairman.

Mr. McMath, from a Special Committee, submitted the following report:

The undersigned, to whom was referred House Bill No. 17, entitled "An Act to incorporate the Wyandott City Insurance Company," have had the same under consideration, and report the same back to the House, with the following amendments, and recommend the passage of the Bill with the amendments:

Strike out, in the sixth line of section four, the word "four," and insert in lieu thereof the word "three;" also, in the eighth line of the same section, strike out the word "March" and insert "April."

W. L. McMATH.

The report was received and agreed to.

House Bill No. 17, "An Act to incorporate the Wyandott City Insurance Company," was taken up.

Read a third time and

Passed.

The title was agreed to.

Mr. Lindsay, from the Committee on Agriculture, submitted the following report:

The Committee on Agriculture and Manufactures, would respectfully report that they have had under consideration House Bill No. 201, entitled "An Act for the Protection of Crops," report it back and recommend its indefinite postponement.

F. A. LINDSAY, Chairman.

Mr. Sheldon, from the Committee on Agriculture, submitted the following minority report:

The undersigned, being in the minority of the Committee on Agriculture, report House Bill No. 294, entitled "An Act relating to Stock," and recommend its passage.

O. H. SHELDON.

Mr. Nelson moved that all Bills relating to keeping up of stock, be committed to a Special Committee of three, with instructions to report at three o'clock this afternoon.

Carried.

Said Committee consisting of Messrs. Nelson, Sims and Jones.

Mr. Sims, from the Committee on Judiciary, submitted the following report:

MR. SPEAKER:—The Judiciary Committee recommend the passage of the Bill divorcing Daniel R. Huntoon and Lydia S. Huntoon.

C. SIMS,
E. LYNDE,
S. N. WOOD,
A. BARTLETT.

On motion of Mr. Cornwell, the Bill was taken up.

Read a third time, and

Passed.

The title was agreed to.

Mr. Wood, from the Judiciary Commitee, submitted the following report, which was agreed to:

The Committee on Judiciary have had under consideration House Bill No. 256, "An Act to amend an Act entitled 'An Act regulating the Jurisdiction and Procedure before Justices of the Peace, and of the duties of Constables in Civil Cases,'" and report the same back, with amendments, and recommend its passage:

Section 3. Witnesses may be compelled to attend upon any District Court, in any portion of the Territory; *Provided*, That if any person is subpenaed to attend upon any court or tribunal more than fifty miles from his residence and out of his own county, the expenses, over and above said fifty miles, shall be paid by the party asking for such witness, and shall not be taxed in the bill of costs.

Sec. 4. In actions before justices of the peace, arbitrators, or other tribunal inferior to District Courts, or in taking depositions before justices of the peace, notaries public, or other officers, authorized to take depositions, witnesses may be compelled to attend anywhere in their own county or anywhere in the Territory, within twenty miles of their residences, whether within their own or another county.

Sec. 5. If any witness is compelled to attend upon any courts or tribunal out of their own county and over a distance of fifty miles from their place of residence, they shall be allowed two dollars per day during the time they are in attendance upon the court, and —— cents for every mile necessarily travelled, in going to or returning from the place of attendance.

Sec. 6. All Acts and parts of Acts, inconsistent with this Act, are hereby repealed.

This Act to take effect from and after its passage.

On motion of Mr. Sims, House Bill No. 256, "An Act to amend an Act entitled 'An Act regulating the Jurisdiction and Procedure before Justices of the Peace, and of the duties of Constables in Civil Cases,'" was taken up.

Read a third time, and

Passed.

The title was agreed to.

Mr. Parks offered the following preamble and resolution, which was adopted:

WHEREAS, Messrs. Sutherland and McEvoy, experienced compilers and publishers, propose to publish a Gazette and Business Director, for 1860–61, for Kansas; and

WHEREAS, Such a work will be of great and lasting benefit to the people of this Territory; therefore,

Resolved, That we take great pleasure in recommending Messrs. Sutherland and McEvoy to the kindest regards of our people.

Mr. Lynde introduced House Bill No. 366, "An Act divorcing Joseph Henderson and Elizabeth Henderson."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Judiciary.

Mr. Lynde introduced House Bill No. 367, "An Act incorporating the Kansas Vine Company."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Incorporations.

Mr. Morton introduced House Bill No. 368, "An Act to incorporate the Missouri River, Pike's Peak and California Express Company."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Corporations.

Mr. Bartlett introduced House Bill No. 369, "An Act to incorporate the Alma Town Company and City of Alma."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Corporations.

Mr. Reynolds introduced House Bill No. 377, "An Act for the protection of property in horses and other animals."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Agriculture.

Mr. Dutton introduced House Bill No. 371, "An Act divorcing Joseph Shafft and Almina Adeline Shafft."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Judiciary.

Mr. Brooks, from the Committee on Corporations, submitted the following report:

The Committee on Incorporations, having had under consideration House Bill No. 16, report the same, and recommend its passage, with the following amendments:

Strike out "section 1," and insert "Sec. 1. That the boundaries of the City of Wyandott, be, and the same are hereby extended so as to include the territory hereinafter described within the limits following, to wit: Commencing at a point in the middle of the Kansas river, where the southern boundary line of the said city of Wyandott intersects the same; thence due east to the eastern boundary line of the Territory of Kansas; thence north, by said line, to the middle of the Missouri river; thence by the middle of said Missouri river to a point opposite the mouth of the Kansas river; thence by the middle of the Kansas river to the place of beginning."

The Committee on Corporations and Banking, having had under consideration a large number of Bills, among which are several Railroad Bills, of great length, beg leave to report the following, and recommend their reference to the Committee on Militia.

House Bill No. 355, entitled "An Act to incorporate the Troy and Iowa Point Railroad."

House Bill No. 155, entitled "An Act to incorporate the Missouri River Railroad Company."

Council Bill No. 15, entitled "An Act to charter the Olathe and Southern Kansas Railroad."

House Bill No. 191, entitled "An Act to incorporate the Southern Railroad Company."

On behalf of the Committee.

P. R. BROOKS, Chairman.

Mr. Wood moved to take up House Bill No. 231, "An Act concerning Divorce and Alimony."

Lost.

On motion of Mr. McMath, House Bill No. 16, "An Act supplemental to an Act to incorporate the City of Wyandott," was taken up.

The report of the Committee was agreed to.

Bill read a third time and

Passed.

The title was agreed to.

On motion of Mr. Whitehead,

House adjourned.

AFTERNOON SESSION.

Two o'clock.

House met pursuant to adjournment.

Speaker in the chair.

Mr. Lindsay moved to reconsider the vote by which House Bill No. 16 was passed, "An Act supplemental to an Act to incorporate the City of Wyandott."

Mr. McMath moved to lay the motion upon the table.

Lost.

The question recurring upon the motion to reconsider the vote.

Mr. Elliott demanded the previous question.

Which demand was not sustained.

The yeas and nays being demanded, upon the motion to reconsider, the result was as follows:

Yeas—19. Nays—14.

Yeas, Messrs. Cornwell, Cave, Elliott, Fitzpatrick, Jones, Lombard, Lindsay, Murphy, Noel, Parks, Robertson, Steward, Sims, Sheldon, Sopris, Vanderslice, Whitehead, Wagstaff and Mr. Speaker.

Nays, Messrs. Bartlett, Brooks, Dutton, Knowles, Lynde, McMath, Morton, Nelson, Pierce, Reynolds, Rankin, Shively, Scott and Wood.

So the vote was reconsidered.

On motion of Mr. Morton, the Bill was referred to the Judiciary Committee.

Mr. Nelson moved that Bills on the calendar be taken up in their order.

Carried.

Mr. Morton offered the following resolution:

Resolved, That the chairman of the Committee on Enrolled Bills be, and is hereby required to report to this House, all Bills presented by him to the Governor.

Mr. Sims moved to lay the resolution upon the table.

Yeas and nays were ordered.

Yeas—23. Nays—10.

Yeas, Messrs. Brooks, Cornwell, Cave, Dutton, Elliott, Jones, Knowles, Lombard, Lindsay, Murphy, Noel, Nelson, Parks.

Robertson, Reynolds, Steward, Sims, Shively, Sopris, Vanderslice, Whitehead, Wagstaff and Mr. Speaker.

Nays, Messrs. Bartlett, Canniff, Fitzpatrick, Lynde, McMath, Morton, Pierce, Rankin, Sheldon, Scott and Wood.

So the motion prevailed.

Mr. Sims, from the Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER:—The Committee on Enrolled Bills, having examined House Bill No. 81, entitled "An Act to provide for the location of the County Seat of Linn county."

Also, Bill No. 67, entitled "An Act to incorporate a Ferry across the Missouri River, at Quindaro, K. T.," find the same correctly enrolled.

C. SIMS, Chairman.

Mr. Lynde, from the Committee on County Lines, submitted the following report:

MR. SPEAKER:—The Committee on County Seats and County Lines have examined Council Bill No. 83, "An Act to define the boundary line between Wabaunsee and Davis counties," and ask leave to report the same back and recommend its passage.

E. LYNDE, Chairman.

Mr. Lynde presented a petition of David Johnson and seven others, praying for the passage of a law restraining Swine from running at large.

Referred to Committee on Agriculture.

Council Bill No. 83, "An Act defining the boundary line between Wabaunsee and Davis counties," was taken up.

Read a third time and

Passed.

The title was agreed to.

Mr. Nelson, from the Special Committee on House Bills No. 98, 101 and 294, submitted the following report:

The Special Committee, to whom was referred House Bill No. 98, House Bill 101 and House Bill 294, have had the same under consideration, and would report back the following substitute, and recommend its passage, in lieu of the above named Bills.

G. W. NELSON,
J. H. JONES,
CHARLES SIMS.

The substitute, as reported by the Special Committee, was taken up.

Mr. Sheldon moved to strike out all relating to fences in the Bill.

Lost.

Mr. Wood offered the following amendment, which was adopted:

Sec. —. This Act shall not apply to Morris, Madison, Marion, Peketon, Davis, Wabaunsee, Shawnee, Dickinson, Osage, Douglas, Allen, Jefferson, Butler, Otoe, Hunter and Greenwood counties.

Mr. Murphy demanded the previous question upon the passage of the Bill, which was sustained.

The Bill being read a third time was

Passed.

The title was agreed to.

Message from the Council:

Mr. Speaker:—The Council direct me to notify the House that the Council have passed House Bill No. 22, "An Act to organize the county of Washington."

House Bill No. 200, "An Act making citizens of certain Indians in Kansas Territory."

House Bill No. 349, "An Act legalizing certain acts therein named."

House Bill No. 293, "An Act to establish a Ferry across the Kansas river, at the town of De Soto," without amendment.

Council Bill No. 178, "An Act supplemental and amendatory to 'An Act to provide for the running at large of Swine,'" approved January 28, 1860.

Your concurrence is desired.

JOHN J. INGALLS,
Secretary.

Mr. Speaker:—The Council direct me to inform the House that they have passed Joint Resolution No. 2, memorializing the President and Congress in relation to Indian Lands.

Council Bill No. 104, to incorporate the Atchison and Lawrence Railroad Company, and ask your concurrence.

JOHN J. INGALLS,
Secretary.

Mr. Murphy, from a Select Committee, submitted the following report, which was agreed to:

Your Special Committee, to whom was referred House Bill No. 372, "An Act to authorize the city of Leavenworth to issue Bonds for railroad purposes," have had the same under consideration, and report the same back to the House, and recommend its passage. Respectfully submitted.

J. C. MURPHY, Chairman.

On motion of Mr. Murphy, House Bill No. 372, "An Act to authorize the City of Leavenworth to issue Bonds for railroad purposes," was taken up.

Read a third time and

The title was agreed to.

Mr. Canniff, from the Committee on Phraseology, submitted the following report:

The Committee on Phraseology, to whom was referred House Bill No. 227, entitled "An Act to incorporate the Blue River Bridge Company," report the same back to the House, as corrected and amended, and recommend its passage.

S. R. CANNIFF, Chairman.

The report was agreed to.

Mr. Lombard, from a Special Committee, submitted the following report:

Your Committee, to whom was referred House Bill No. 373, relating to a Wire Fence, beg leave to report that they have had the same under consideration, and would recommend its passage without amendment.

F. LOMBARD,
H. ROBERTSON.

House Bill No. 373, "An Act relating to Wire Fence," was taken up.

Read a second time, and

On motion of Mr. Nelson, was recommitted to the Committee.

Council Bill No. 66, "An Act defining the powers and jurisdiction of the Probate Courts," was taken up, and

On motion of Mr. Nelson,

The House resolved itself into a Committee of the Whole, upon the consideration of the Bill.

Mr. Sopris in the chair.

After some time spent in the Committee of the Whole,

The Committee arose, and through their chairman reported the Bill back to the House, and recommended that it be printed.

The report was agreed to.

Mr. Wood, from the Judiciary Committee, submitted the following report:

MR. SPEAKER:—The Committee on Judiciary, to whom was referred the following Bills, report the same back to the House, with the recommendations attached to each:

House Bill 295, "An Act to provide for a new assessment of Taxes in Breckenridge county;" recommend its passage, without amendment.

House Bill 361, "An Act authorizing transcripts of Judgments in counties other than where judgment is rendered, to be filed and to make lien on real property;" recommend passage, without amendment.

House Bill 297, "An Act divorcing Abby W. Allen and James Allen;" recommend its passage, without amendment.

House Bill 366, "An Act divorcing Joseph Henderson and Elizabeth Henderson;" recommend its passage, without amendment.

House Bill 358, "An Act to protect debtors making partial payments;" recommend passage, without amendment.

House Bill 362, "An Act to amend Section 60 of the Code of Civil Procedure;" recommend its passage, without amendment.

House Bill 363, "An Act to amend Section 502 of the Code of Civil Procedure;" recommend its indefinite postponement for the following reasons:

The same provisions contained in this Bill are embraced in an Act passed at the present session, "An Act providing for the filing of transcripts of Justices' Dockets."

Respectfully submitted on behalf of the Committee.

S. N. WOOD, Chairman.

Mr. Speaker:—A majority of the Judiciary Committee, to whom was referred the petition of Robert S. Strother, asking for a divorce from Rhoda Strother, have had the same under consideration, and instruct me to report the same back, with a Bill granting the prayer, and recommend its passage.

S. N. WOOD, Chairman.

Mr. Lynde, from the Judiciary Committee, submitted the following minority report:

Mr. Speaker:—The Committee on Judiciary, to whom was referred the petition of R. S. Strother, praying for a divorce from his wife, Rhoda Strother, have examined the evidence, and a minority of your Committee report against granting the prayer of your petitioners. The evidence does not satisfy the minority of your Committee the prayer of your petitioners should be granted, as no evidence appears that the wife of said Strother desires said divorce or that the parties are legitimate subjects for divorce, in this Territory, and further, that this case of divorce is now pending in the courts of New-York.

E. LYNDE.

Mr. Wood introduced House Bill No. —, "An Act divorcing Robert Strother and Rhoda Strother."

Read a first time.

Rules suspended, and

Read a second time.

Mr. Rankin moved to indefinitely postpone the Bill.

The yeas and nays were ordered.

Yeas—11. Nays—20.

Yeas, Messrs. Brooks, Cave, Lynde, McMath, Morton, Pierce, Reynolds, Rankin, Shively, Sheldon and Scott.

Nays, Messrs. Blake, Cornwell, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lombard, Lindsay, Murphy, Noel, Nelson, Parks, Robertson, Steward, Sims, Sopris, Whitehead, Wagstaff and Wood.

So the motion to indefinitely postpone was lost.

The Bill was read a third time, and

Being upon its final passage,

The yeas and nays were ordered.

Yeas—21. Nays—10.

Yeas, Messrs. Canniff, Cornwell, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lombard, Lindsay, Murphy, Noel, Nelson, Parks, Robertson, Steward, Sims, Shively, Sopris, Whitehead, Wagstaff and Wood.

Nays, Messrs. Brooks, Cave, Lynde, McMath, Morton, Pierce, Reynolds, Rankin, Sheldon and Scott.

So the Bill passed.

The title was agreed to.

Mr. Brooks introduced House Bill No. 374, "An Act to establish the boundary lines of Douglas county."

Read a first time.

Rules suspended, and

Bill read a second time, and

Referred to Committee on County Lines.

Mr. Jones introduced House Bill No. 376, "An Act to incorporate the Leon Town Company."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Corporations.

Mr. Fitzpatrick introduced House Bill No. 357, "An Act legalizing the acts of certain officers therein named."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Judiciary.

Mr. Cornwell introduced House Bill No. 378, "An Act to divorce Henderson H. Boggs and Susan Boggs."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Judiciary.

Council Bill No. 69, "An Act to change the location of the Territorial Road, from Wyandott south-west towards Santa Fe," was taken up.

Read a first time.

Rules suspended.

Read a second and third times and

Passed.

The title was agreed to.

On motion of Mr. Scott, Council Bills on first reading were read a first time, rules suspended, read a second time, and referred to their appropriate Committees.

Council Bill No. 99,

Referred to Committee on Corporations.

Council Bill No. 91,

Referred to Committee on Judiciary.

Council Bill No. 113,

Referred to Committee on Corporations.

Council Bill No. 115,

Referred to Committee on Corporations.

Council Bill No. 116,

Referred to Committee on Corporations.

Council Bill No. 147,

Referred to Committee on Judiciary.

Council Bill No. 176,

Referred to Committee on Judiciary.

Council Bill No. 138,

Referred to Committee on Judiciary.

Council Bill No. 169,

Referred to Committee on Accounts.

Council Bill No. 170,

Referred to Committee on County Lines.

House Bill No. 269, "An Act for the relief of Insolvent Debtors," was taken up.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 157, "An Act to incorporate the Village of Oskaloosa," was taken up.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 218, "An Act to incorporate the Denver City and Iowa Point Railroad," was taken up.

Read a third time and

Passed.

The title was agreed to.

House Bill No. 254, "An Act to regulate the Taxes in Riley county," was taken up.

Read a third time and

Passed.

The title was agreed to.

House Bill 275, "An Act to incorporate the Kansas College," was taken up.

Read a third time and

Passed.

The title was agreed to.

Mr. Wood offered the following resolution, which was adopted:

Resolved, That Edward Lynde is hereby declared Speaker *pro tem.*, for the balance of this session, to act in the absence of the Speaker.

House Bill No. 272, "An Act to incorporate the Kansas State Agricultural Society," was taken up.

Read a third time and

Passed.

The title was agreed to.

House Bill No. 325, "An Act providing for the location of County Seats," was taken up, and

On motion of Mr. Nelson, it was laid on the table.

House Bill No. 176, "An Act to amend an Act entitled 'An Act respecting Executors and Administrators, of their appointment and removal from office," was taken up, and

On motion of Mr. Wagstaff, it was laid upon the table.

House Bill No. 179, "An Act to amend an Act entitled 'An Act to define the duties of Justices of the Peace, in cases of Breach of the Peace,'" was taken up.

Read a third time and

Passed.

The title was agreed to.

House Bill No. 313, "An Act to amend an Act concerning Guardians and Wards," was taken up.

Read a third time and

Passed.

The title was agreed to.

House Bill No. 324, "An Act to prevent and punish Armed Invasions from and into this Territory," was taken up.

Read a third time and

Passed.

The title was agreed to.

House Bill No. 312, "An Act relating to Exemptions," was taken up.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 301, "An Act to amend an Act entitled 'An Act concerning County Jails,'" was taken up, and

On motion of Mr. Cave, the Bill was indefinitely postponed.

House Bill No. 271, "An Act relating to the Fees of Officers," was taken up.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 268, "An Act relating to the Committment of Prisoners," was taken up.

Read a third time and

Passed.

The title was agreed to.

House Bill No. 273, "An Act to amend an Act entitled 'An Act to restrain Dramshops, and regulate the sale of Intoxicating Liquors," was taken up, and

On motion of Mr. Wagstaff, the Bill was laid over.

House Bill No. 81, "An Act regulating Criminal Procedure before Justices of the Peace, and other inferior tribunals," was taken up, and

On motion of Mr. Nelson, the Bill was postponed and made the special order of to-morrow at, 11 o'clock.

On motion of Mr. Whitehead,

The House adjourned.

GUSTAVUS A. COLTON,
Speaker of the House of Representatives.

M. W. DELAHAY,
Chief Clerk.

FRIDAY, February 17, 1860,
9 o'clock, A. M.

House called to order by the Speaker *pro tem.*

Roll called.

Absentees, Messrs. Brown, Blake, Elliott, Brooks, Chandler, Cornwell, Dutton, Knowles, Morton, Murphy, Heath, Rankin, Reynolds, Pierce, Sims, Scott, Whitehead, Noel, Wright, Wagstaff and Wood.

Mr. Fitzpatrick moved a call of the House, which was ordered, and the Sergeant-at-Arms directed to bring in absentees.

On motion of Mr. Canniff, further proceedings under the call were dispensed with.

Journal of yesterday read and approved.

Mr. Lynde, from the Committee on County Lines, submitted the following report:

The Committee on County Lines and County Seats, to whom was referred House Bill No. 174, "An Act defining the boundaries of Shawnee, Little Osage, Neosho, Coffey and Woodson counties, and providing for the location of County Seats in the same," have had the same under consideration, and a majority of your Committee report the Bill back, and recommend its passage.

Your Committee have also had under consideration House Bill No. 307, "An Act to provide for a vote on the County Seat in Riley county," and report the Bill back and recommend its passage.

E. LYNDE, Chairman,
JAMES H. JONES,
GEORGE W. NELSON.

Also, Council Bill No. 170, "An Act to change the name of Lykins county," and recommend its passage.

E. LYNDE, Chairman.

Mr. Lynde, from the Committee on County Lines, submitted the following minority report:

The undersigned, members of the Committee on Counties and County Lines, respectfully dissent from the report of the majority of the Committee, on House Bill No. 174, "An Act defining the boundaries of Shawnee, Osage, Neosho, Coffey and Woodson counties," for the following reasons:

First, From a careful examination of the petition and remonstrances presented upon the subject, we are satisfied that a majority of the people interested are opposed to the proposed change.

Second, The Bill reduces the size of four important and well organized counties, viz: Jackson, Shawnee, Coffey and Woodson—the latter to the extent that it would be impossible to maintain a county organization, while there is not a single petition from that county asking the proposed change; but, on the other hand, one hundred and eighty-two voters out of two hundred, the whole number in the county, remonstrate against such change. The Bill reduces Coffey county from twenty-four to eighteen miles in width, and organized Neosho county, with only fifteen miles in width subject to settlement, thereby greatly enhancing the expense of supporting these county organizations.

Third, We are further satisfied that this whole scheme has for its only object the making of county seats in localities where nothing but this proposed kind of legislation would ever place

them, as by the provisions of the Bill, three county seats already existing are destroyed and four new ones are established: and, further, that this is but the initiatory step toward carving out the whole Territory, for the purpose of building up certain local interests, without regard to the public interests or the public good; and the undersigned respectfully protest against that system of legislation which is continually directed towards some local and in many instances *personal* interests, to the exclusion of those more important measures which merit and *demand* our whole time and attention.

Wherefore, we recommend that the Bill be indefinitely postponed. All of which is respectfully submitted.

H. R. DUTTON,
THOMAS LINDSAY.

Mr. Nelson moved that the report of the majority of the Committee be received and agreed to.

Mr. Fitzpatrick moved a call of the House, which was ordered and the Sergeant-at-Arms directed to bring in absentees.

Absent members, Messrs. Elliott, Brown, Rankin, Knowles, Noel, Vanderslice and Murphy.

The Sergeant-at-Arms returned with Mr. Elliott.

Mr. Nelson moved that further proceedings under the call be dispensed with.

Yeas and nays were ordered.

Yeas—17. Nays—15.

Yeas, Messrs. Bartlett, Canniff, Cave, Elliott, Fitzpatrick, Heath, Jones, Lombard, Lynde, McMath, Nelson, Robertson, Shively, Sheldon, Sopris, Wood and Mr. Speaker.

Nays, Messrs. Blake, Brooks, Cornwell, Dutton, Knowles, Lindsay, Morton, Parks, Pierce, Reynolds, Stewart, Sims, Shively, Scott, Whitehead and Wagstaff.

So the motion prevailed.

The question being upon the adoption of the report of the maority of the Committee, Mr. Fitzpatrick demanded the previous question, which was sustained.

Yeas and nays were ordered upon the adoption of the report.

Yeas—11. Nays—21.

Yeas, Messrs. Bartlett, Canniff, Cave, Fitzpatrick, Jones, Lynde, McMath, Reynolds, Shively, Sheldon and Wood.

Nays, Messrs. Blake, Brooks, Cornwell, Dutton, Elliott, Heath, Knowles, Lombard, Lindsay, Morton, Nelson, Parks, Pierce, Robertson, Steward, Sims, Scott, Sopris, Whitehead, Wagstaff and Mr. Speaker.

So the motion to adopt the report was lost.

Mr. Lindsay moved that the report of the minority o[illegible]e Committee be agreed to.

Mr. Wood moved that it be postponed, and made the special order of to-morrow, at ten o'clock.

Mr. Lindsay moved to lay the motion upon the table.

Yeas and nays were ordered.

Yeas—16. Nays—16.

Yeas, Messrs. Blake, Brooks, Cornwell, Dutton, Knowles, Lindsay, Morton, Parks, Reynolds, Steward, Sims, Scott, Sopris, Whitehead, Wagstaff and Mr. Speaker.

Nays, Messrs. Bartlett, Canniff, Cave, Elliott, Fitzpatrick, Heath, Jones, Lombard, Lynde, McMath, Nelson, Pierce, Robertson, Shively, Sheldon and Wood.

There being a tie vote, the Speaker declared that the motion was lost.

The question recurring upon the motion of Mr. Wood to postpone the report of the Minority Committee, and make it the special order of to-morrow at 10 o'clock, the motion prevailed.

Message from the Council:

MR. SPEAKER:—The Council directs me to notify the House that the Council have passed House Bill No. 154, "An Act to provide for the partition of Real Estate."

House Bill 170, "An Act extending the time for the payment of taxes in Leavenworth county," with the following amendment:

Section 1, line fifth, for "June," read "April."

At close of section 1, read "and for the City of Leavenworth, to the first day of March."

Section 1, line three, after "county," read "except the City of Leavenworth."

House Bill No. 221, with the following amendments:

Strike out section 2 and section 4.

Section — for "two hundred," and read "five."

Add, Section —. "This Act shall not apply to persons selling liquor to Indians, who are citizens of the United States or of the Territory of Kansas."

Also, House Bill No. 238, "An Act to establish Peketon county," without amendment.

JOHN J. INGALLS,
Secretary.

Mr. Speaker:—The Council direct me to notify you that they have passed Council Bill No. 120, entitled "An Act relating to Townships and Township Officers," and ask your concurrence.

JOHN J. INGALLS,
Secretary.

Mr. Lombard, from a Special Committee, submitted the following report:

Your Committee, to whom was referred House Bill No. 373, beg leave to report that they have had the same under consideration, and offer the following substitute, and recommend its adoption and passage.

F. LOMBARD,
HUGH ROBERTSON,

The report was agreed to, and the substitute adopted.

Mr. Lombard moved that the rules be suspended, and the Bill read a third time.

Carried.

The Bill was taken up,

Read a third time and

Passed.

The title was agreed to.

Mr. Sims, from the Committee on Enrolled Bills, made the following report:

Mr. Speaker:—The Committee on Enrolled Bills, having examined House Bill No. 146, entitled "An Act to organize the county of Cherokee."

No. 205, "An Act to change the name of Mary K. Patterson."

No. 255, "An Act in relation to Isabella Vaughn."

No. 84, "An Act to incorporate the Stanton University, at Stanton."

No. 194, "An Act to incorporate the Leavenworth Mercantile Library Association."

No. 122, "An Act to extend the time for the completion of the Kansas River Bridge, at Tecumseh," and

No. 147, "An Act to incorporate the City of Burlingame," find them correctly enrolled.

C. SIMS, Chairman.

Message from the Governor:

Executive Office, K. T.,
February 16, 1860.

To the Speaker of the House of Representatives:

I have this day approved House Bill, "An Act to provide for the location of the County Seat of Linn county."

Respectfully,

S. MEDARY.

Mr. Scott, from a Special Committee, made following report:

Mr. Speaker:—The Special Committee, to whom was assigned the duty of revising the General Election Laws of the Territory, instruct me to report the accompanying Bill, and recommend its passage.

On behalf of the Committee.

JOHN W. SCOTT, Chairman.

House Bill No. 380, "An Act relating to Elections," was taken up, and,

On motion of Mr. Bartlett, was laid on the table and ordered to be printed.

Mr. Jones offered the following Concurrent Resolution:

Resolved, By the House, the Council concurring therein, that a Committee of two on the part of the House, and one on the part of the Council, be appointed to draw up a memorial to Congress, asking for an appropriation from the General Government to defray the expenses of a military company, organized by Gov. Denver in June, 1859, for the protection of citizens along the east line of this Territory, in the counties of Lykins, Linn and Bourbon.

JAMES H. JONES.

On motion of Mr. Jones, the rules were suspended, and the Resolution read a first and second time and adopted.

Committee on the part of the House, Messrs. Jones and Wagstaff.

Mr. Lynde, from the Committee on Enrolled Bills, made the following report:

Mr. Speaker:—The Committee on Enrolled Bills have examined House Bill No. 349, and find the same correctly enrolled.

E. LYNDE.

Mr. Wood, from a Joint Committee, submitted the following report:

Mr. Speaker:—The Joint Committee, to whom was referred sundry Bills relating to the Judicial Districts of Kansas Territory, have had the same under consideration, and instruct me to report the following Bill as a substitute for all, and recommend its passage.

S. N. WOOD,
On behalf of House Committee.

On motion of Mr. Wood, the substitute as reported by the Joint Committee of both Houses, was taken up.

Rules suspended.

Bill read a second time, and

On motion of Mr. Wagstaff, was laid on the table and ordered to be printed.

On motion of Mr. Sims,

House adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

Mr. Heath, from the Committee on Ways and Means, introduced House Bill No. 382, "An Act making appropriations for the year 1859."

On motion of Mr. Heath, the Bill was recommitted to the Committee on Ways and Means.

Mr. Heath presented a remonstrance of officers of the Kansas Telegraph Company, against the passage of House Bill No. 280.

Referred to Committee on Corporations.

Mr. Brooks offered the following resolution:

Resolved, That the Committee on County Lines be instructed to report House Bill No. 374, entitled "An Act to establish the Boundary Lines of Douglas county," on or before to-morrow morning at ten o'clock.

Mr. Lynde moved to indefinitely postpone the resolution.

Mr. Wood moved to lay the motion upon the table.

Yeas and nays were ordered.

Yeas—21. Nays—6.

Yeas, Messrs. Blake, Brooks, Chandler, Cornwell, Cave, Dutton, Heath, Knowles, Lindsay, Pierce, Robertson, Rankin, Stewart, Sims, Shively, Scott, Sopris, Vanderslice, Wagstaff, Wood and Mr. Speaker.

Nays, Messrs. Elliott, Lynde, Murphy, McMath, Nelson and Parks.

So the motion prevailed.

The question being upon the adoption of the resolution.

Mr. Cave demanded the previous question, which was sustained.

Yeas and nays ordered upon the adoption of the resolution.

Yeas—7. Nays—23.

Yeas, Messrs. Brooks, Heath, Rankin, Sims, Scott, Sopris and Wood.

Nays, Messrs. Bartlett, Chandler, Cornwell, Cave, Dutton, Elliott, Knowles, Lombard, Lynde, Lindsay, Murphy, McMath, Nelson, Parks, Pierce, Robertson, Reynolds, Steward, Sims, Shively, Vanderslice, Wagstaff and Wood.

So the resolution was lost.

Mr. Cornwell introduced House Bill No. 383, "An Act to vacate certain streets and alleys in Lexington, Johnson county, K. T."

Read a first time.

Rules suspended.

Read a second and third time, and

Passed.

The title was agreed to.

On motion of Mr. Parks, House Bill No. 259, "An Act relating to Counties and County Officers," was taken up, and,

On motion of Mr. Sims, the amendments of the Council were agreed to.

The special order being Council Bill No. 81, "An Act to regulate Criminal Procedure before Justices of the Peace and other Inferior Tribunals," was taken up.

Mr. Sims moved to indefinitely postpone the Bill.

Yeas and nays were ordered.

Yeas—22. Nays—5.

Yeas, Messrs. Brooks, Chandler, Cornwell, Cave, Dutton, Fitzpatrick, Heath, Knowles, Lombard, Lynde, Lindsay, Parks, Pierce, Robertson, Reynolds, Rankin, Steward, Sims, Shively, Scott, Sopris and Wagstaff.

Nays, Messrs. Canniff, Elliott, McMath, Nelson and Wood.

So the motion prevailed.

Mr. Sims presented a communication from the Secretary of the Territory, relating to the awards of the claim commissioners, and

Moved that it be laid upon the table and printed.

Mr. Wood moved to indefinitely postpone the subject, upon which

Mr. Rankin demanded the previous question, which was sustained.

Mr. Sims asked leave to speak upon the subject of the communication of the Secretary of the Territory, and called for the reading of the communication.

Ruled out of order by the chair.

Mr. Sims appealed from the decision of the chair, and

Demanded the yeas and nays, which were ordered.

Yeas—21. Nays—10.

Yeas, Messrs. Bartlett, Brooks, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lombard, Lynde, Lindsay, McMath, Pierce, Robertson, Rankin, Steward, Shively, Scott and Sopris.

Nays, Messrs. Blake, Chandler, Cornwell, Parks, Reynolds, Sims, Sheldon, Vanderslice, Whitehead and Wagstaff.

So the Chair was sustained.

The question recurring upon the motion to indefinitely postpone the subject,

The yeas and nays were ordered.

Yeas—19. Nays—13.

Yeas, Messrs. Bartlett, Brooks, Chandler, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lynde, McMath, Pierce, Rankin, Shively, Sheldon, Scott, Sopris and Wood.

Nays, Messrs. Blake, Cornwell, Cave, Lombard, Parks, Robertson, Reynolds, Steward, Sims, Vanderslice, Whitehead, Wagstaff and Mr. Speaker.

So the motion to indefinitely postpone prevailed.

Mr. Lynde offered the following resolution:

Resolved, That the Committee appointed to investigate the awards of the Claim Commissioners, be instructed to report on Monday next, at 10 o'clock.

Adopted.

Message from the Council:

Mr. Speaker:—The Council direct me to notify the House that the Council have passed Council Bill No. 41, "An Act to create a lien in favor of Mechanics and others."

Council Bill No. 157, "An Act defining the boundary of Davis county."

Council Bill No. 156, "An Act creating the office of Justice of the Peace in Junction City."

House Bill No. 265, "An Act incorporating the Douglas County Agricultural and Mechanical Society."

House Bill No. 58, "An Act to vacate a part of the Town Site of Pottawatamie City," with the following amendment:

Add at the end of section 1, "is hereby declared vacated in like manner as if the same had been pre-empted for agricultural purposes," and ask your concurrence.

Also, that the Council have passed the following preamble and resolution:

Whereas, While the Council has acted with uniform promptness upon all House Bills coming before it, there are a number of the Council Bills remaining unacted upon by the House; be it therefore,

Resolved, That the House be requested to take a speedy action upon such of the Council Bills now before it as can conveniently be had.

JOHN J. INGALLS,
Secretary.

On motion of Mr. Parks, Council Bill No. 120, "An Act in relation to Township Officers," was taken up, and

On motion of Mr. Parks, was laid on the table, ordered to be printed, and made the special order of to-morrow, at 10 o'clock.

The special order being House Bill No. 211, "An Act to amend an Act entitled 'An Act to regulate Elections,'" it was taken up.

Mr. Nelson moved to lay the Bill upon the table.

Lost.

Mr. Nelson moved to indefinitely postpone the Bill.

Mr. Heath moved a call of the House, which was ordered, and the Sergeant-at-Arms directed to bring in absentees.

Absent members, Messrs. Noel, Rankin, Morton, Brown and Wright.

On motion of Mr. Heath, further proceedings under the call were dispensed with.

The question being upon the motion to indefinitely postpone the Bill,

Mr. Knowles demanded the previous question, which was sustained.

Yeas and nays were ordered.

Yeas—14. Nays—19.

Yeas, Messrs. Bartlett, Chandler, Canniff, Elliott, Fitzpatrick, Jones, Knowles, Lynde, Nelson, Pierce, Shively, Sheldon, Scott and Wood.

Nays, Messrs. Blake, Brooks, Cornwell, Cave, Dutton, Heath, Lombard, Lindsay, McMath, Parks, Robertson, Reynolds, Steward, Sims, Sopris, Vanderslice, Whitehead, Wagstaff and Mr. Speaker.

So the motion to indefinitely postpone was lost.

Mr. Bartlett moved that the Bill, with House Bill No. 172, "An Act to amend an Act entitled 'An Act regulating Elections,'" be referred to a Select Committee of three.

Lost.

Bill having been read a third time,

Mr. Dutton demanded the previous question upon its final passage, which was sustained.

Yeas and nays were ordered.

Yeas—17. Nays—17.

Yeas, Messrs. Blake, Cornwell, Cave, Dutton, Heath, Lombard, McMath, Noel, Parks, Robertson, Reynolds, Sims, Sopris, Vanderslice, Whitehead, Wagstaff and Mr. Speaker.

Nays, Messrs. Bartlett, Brooks, Chandler, Elliott, Fitzpatrick, Jones, Knowles, Lynde, Lindsay, Nelson, Pierce, Rankin, Steward, Shively, Sheldon, Scott and Wood.

There being a tie vote, the Bill was lost.

House Bill No. 187, "An Act to establish a Probate Court in Leavenworth county, and define its jurisdiction," was taken up.

Mr. Parks offered the following amendment to the Bill, which was adopted:

Insert after the word "Leavenworth" in first line of Section 1, the words "Doniphan, Brown, Nemaha, Arrapahoe, Morris, Chase, Butler and Peketon." Strike out "county" and insert "counties."

The Bill having been read a third time, was

Passed.

The title was amended so as to read as follows:

"An Act to define the jurisdiction of Probate Courts for Leavenworth and other Counties."

House Bill No. 176, "An Act to amend an Act entitled 'An Act respecting Executors and Administrators,'" was taken up.

On motion of Mr. Sims, the Bill was passed over informally.

Mr. Shively introduced House Bill No. 383, entitled "An Act to legalize the assessment of Taxes in Peoria Township."

Read a first time.

Rules suspended, and

Bill read the second and third time, and

Passed.

The title was agreed to.

The Committee on Elections introduced House Bill No. 380, "An Act relating to Elections."

Read a first time.

Rules suspended.

Read a second time, and

Ordered to be printed.

The Judiciary Committee introduced House Bill No. 381, "An Act to define the Judicial Districts of the Territory, and fix the time and place of holding the several Courts therein."

Read a first time.

Rules suspended.

Read a second time, and

Ordered to be printed.

Mr. Murphy introduced House Bill No. 384, "An Act for the relief of the Commissioners authorized to locate and survey a Territorial Road from Leavenworth City to Burlingame."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Claims.

Mr. Canniff introduced House Bill No. 385, "An Act defining the northern boundary of Shawnee and Osage counties."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on County Lines

Mr. Lynde introduced House Bill No. 386, "An Act for the relief of Jemes Whitehead."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Judiciary.

Also, House Bill No. 388, "An Act for the relief of Jefferson county, K. T."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Corporations.

Mr. Pierce introduced House Bill No. 389, "An Act to incorporate the Buckeye Mining Company."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Corporations.

Mr. Wood introduced House Bill No. 391, "An Act to incorporate the Marion Town Company."

Read the first time.

Rules suspended.

Read a second and third time.

On motion of Mr. Whitehead,

House adjourned.

GUSTAVUS A. COLTON,
Speaker of the House of Representatives.

M. W. Delahay,
Chief Clerk.

SATURDAY, February 18, 1860,
9 o'clock, A. M.

House called to order by the Speaker.

Roll called.

Absentees, Messrs. Brooks, Dutton, Fitzpatrick, Lynde, Murphy, Morton, Rankin, Sheldon, Wagstaff and Wood.

Journal of yesterday was read and approved.

Mr. Sims, from the Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER:—The Committee on Enrolled Bills, having examined House Bills No. 22, "An Act to provide for the organization of the county of Washington, K. T."

No. 190, "An Act to incorporate Olathe Lodge, No. 19, of Ancient Free and Accepted Masons."

No. 145, "An Act to organize Clay county."

No. 226, "An Act to incorporate the Paola Mercantile Library and Literary Association."

No. 257, "An Act to incorporate Grasshopper Falls Lodge of Ancient Free and Accepted Masons."

No. 187, "An Act to incorporate the Saratoga West Town Company."

No. 242, "An Act to incorporate the Beach Valley Town Company."

No. 225, "An Act to incorporate the University of Paola."

No. 238, "An Act to establish Peketon county."

No. 293, "An Act to establish a Ferry across the Kansas river at the town of De Soto."

No. 140, "An Act to incorporate the Capital Hydraulic Company, of Arrapahoe county."

No. 234, "An Act to incorporate the Neosho Falls Cemetery Association."

No. 248, ——.

No. 243, "An Act to incorporate the Margaretta Town Company," find the same correctly enrolled.

C. SIMS, Chairman.

Mr. McMath presented a petition of of G. F. Marion and 61 others, praying for a change in the southern boundary lines of Johnson county.

Also, the petition of E. Walker and 20 citizens of Lykins county, asking to extend the southern boundary of Johnson county.

Also, the petition of J. B. Hovey and 43 citizens of Johnson county, praying for the same.

Also, the petition of Jacob Loudenback and 80 others, praying for a change of the north and south lines of Lykins county.

Also, the petition of M. A. Robins and 115 others, praying for the same.

Also, the petition of Wm. H. Steele and 80 others, praying for the same.

Also, the petition of C. A. Foster and 280 others, praying for the same.

Also, the petition of H. Fuller and 14 others. praying for the same.

All of which were referred to the Committee on County Lines.

The special order being the consideration of the report of the Minority of the Committee on County Lines, it was taken up, and

On motion of Mr. Lindsay was laid upon the table.

Mr. Bartlett, from the Committee on Elections, submitted the following report:

The Committee on Elections, to whom was referred the subject of the Census, have had the subject under consideration, and ask leave to submit the following report:

Your Committee have examined the returns, as submitted with the Governor's Message, and find, from information obtained from the clerks of the several counties returned and members who represent those counties, in both branches of the Legislature, that the returns are very imperfect; that in many counties only partial returns have been received by the Executive, as required by law.

Your Committee find that Doniphan county has returned from four townships 1,111 registered votes and a population of 3,509; and from reliable information before the Committee, the registers of that county now show a registered vote of over 1,800, which would make an additional population of about 3,000.

Atchison returned 963 registered votes, and a population of 3,723, and now has on the register about 2,000 votes, which would make an additional population of 4,200. Riley county is not returned, in which there are about 650 votes, with a population of about 2,600. Leavenworth county has returned a vote of 3,445 and a population of 12,122. The population, at that time, in the city of Leavenworth was nearly the amount returned from the whole county. From the most reliable information, obtained from persons well acquainted and representing that county here, the county contains a population of 16,000, making an additional population of about 4,000. From information from the deputy clerk of Lykins county, between 300 and 400 resident votes do not appear in the report, that were registered in that county, which would make an additional population of about 1,600. Morris, Pottawatamie and Washington counties only partial returns, and in some of the counties, where there are 600 voters, with a population of 2,500, only 50 to 200 resident votes returned.

In the five counties above mentioned, there is returned a population of 1,718, and a vote of 664, in the aggregate being less than one-third of the actual vote or population in said counties, which, if added to the population now returned, would swell the population to the number of about 7,000. This calculation is based on the information of persons living in those counties, who have examined the census returns and register. The census returns, as exhibited in the report of the Governor, show great neglect on the part of the assessors in many of the townships; and in many of the most populous counties, besides the five mentioned above, only three out of five, or five out of eight, of the townships, have been returned to the Executive, showing, conclusively, that a very large population exists in those counties, of which your Committee have not been able to collect any information as to the real number.

Your Committee, also, find no returns from the counties of Clay, Dickinson, McGee, Osage, Wilson and Dorn, and the smallest estimate that can be made is 150 votes to each county, making a total vote of 900, with a population of at least 340. This calculation is not based on the rapid increase of population which has been continually pouring into these fertile counties for the last eight months.

The returns, as reported by the Governor, show a partial and incorrect census, as taken in the month of June, 1859, since which time the emigration into Kansas has been unprecedented. The whole amount of population, as reported by the Governor at the regular session, was 71,770; to which, if we add the calculation, as estimated in the foregoing counties partially returned, and from which we have no return, the population, up to the first day of July, 1859, would amount to about 107,570, in which is not included a large number of the most populous counties from which there have been only a part of the townships returned to the Executive.

Your Committee are of the opinion that it will be very difficult to obtain any correct census of many of those counties upon the frontier of the Territory, where the officers do not either qualify at all, and enter upon the discharge of their duties, or manifest such gross indifference and stupidity, as not to make a return in any way to comply with the law, either in taking or returning the census. Many of the counties have not been organized, and, therefore, have no officers; notwithstanding they have a large population, of which your Committee have not been able to collect any correct data.

Your Committee are of the opinion that the rapid increase of wealth and population in this Territory, and the manifest desire of all classes of our prosperous and energetic citizens, demand that some legislation be had relative to the taking of the future census and other valuable statistics of this Territory.

Your Committee have, with some care of labor, prepared a Bill and tabular form, which they believe will meet the demand of the case at this time, and ask leave to submit the same with this report, and recommend its passage.

E. BARTLETT, Chairman.

Mr. Scott presented a petition of citizens of Bourbon county, praying for a vote on the question of the county seat of said county.

Also, a petition of W. Galper and 113 others, praying for the same.

Also, a remonstrance of O. F. Harris and 96 others, praying against the removal of the county seat of Bourbon county.

All of which were referred to the Committee on County Lines.

Council Bill No. 178, "An Act supplemental to 'An Act to provide for the running at large of Swine,'" was taken up.

Rules suspended.

Bill read a second and third time, and

Passed.

The title was agreed to.

Council Bill No. 148, "An Act to divorce Samuel Reynolds and Harriet Reynolds," was taken up.

Rules suspended.

Bill read a second time.

Mr. Rankin moved that the Bill be indefinitely postponed.

Lost.

The Bill was then read a third time, and

Being upon its final passage,

The yeas and nays were ordered.

Yeas—18. Nays—11.

Yeas, Messrs. Blake, Brooks, Cornwell, Elliott, Fitzpatrick, Jones, Lombard, Lynde, Lindsay, Noel, Nelson, Robertson, Shively, Sheldon, Vanderslice, Whitehead, Wood and Mr. Speaker.

Nays, Messrs. Bartlett, Chandler, Canniff, Cave, McMath, Morton, Pierce, Reynolds, Rankin, Steward and Scott.

Council Bill No. 104, "An Act to incorporate the Atchison and Lawrence Railroad," was taken up.

Read a first time.

Referred to a Select Committee of three, Messrs. Lynde, Dutton and Fitzpatrick.

Mr. Shively, from a Special Committee, submitted the following report:

The Committee to whom was referred House Bill No. 346, beg leave to report the same back, with the following amendment, and recommend its passage:

In Section 1, 1st line, strike out the word "six" and insert "three."

H. SHIVELY, Chairman.

Mr. Pierce moved that the rules be suspended and that the Bill be read a third time.

Mr. Nelson moved that the Bill be indefinitely postponed.

Mr. Pierce moved to amend by postponing and making it the special order of Tuesday next, at 10 o'clock.

The yeas and nays being demanded, upon the motion to indefinitely postpone the Bill, the result was as follows:

Yeas—10. Nays—18.

Yeas, Messrs. Blake, Bartlett, Brooks, Cornwell, Cave, Noel, Nelson, Reynolds, Vanderslice and Whitehead.

Nays, Messrs. Chandler, Canniff, Elliott, Fitzpatrick, Jones, Lombard, Lynde, McMath, Morton, Pierce, Robertson, Rankin, Steward, Shively, Sheldon, Scott, Wood and Mr. Speaker.

So the motion was lost.

The question recurring upon the motion to postpone the Bill and make it the special order of Tuesday next, at 10 o'clock, it prevailed.

Mr. Lynde, from the Committee on County Lines, submitted the following report:

MR. SPEAKER:—The Committee on County Seats and County Lines, to whom was referred House Bill No. 385, "An Act to define the northern boundaries of Shawnee and Osage counties, beg leave to report that they have considered the same and report the Bill back to the House for its consideration.

E. LYNDE, Chairman.

Mr. Brooks, from Committee on Corporations, submitted the following report:

The Committee on Corporations, having had under consideration House Bill No. 368, "An Act to incorporate the Missouri River, Pike's Peak and California Express Company," report the same and recommend its passage, without amendment.

P. R. BROOKS, Chairman.

On motion of Mr. Morton, House Bill No. 368, "An Act to incorporate the Missouri River, Pike's Peak and California Ex-Company," was taken up.

Bill was read a third time, and

Passed.

The title was agreed to.

House Bill No. 385, "An Act to define the boundary lines between Shawnee, Osage and Jackson counties," was taken up.

Mr. Steward moved a call of the House, which was ordered.

Mr. Morton moved that the further proceedings under the call be dispensed with.

Yeas and nays were ordered.

Yeas—14. Nays—13.

Yeas, Messrs. Canniff, Elliott, Fitzpatrick, Jones, Lynde, McMath, Morton, Nelson, Robertson, Rankin, Shively, Sheldon, Scott and Wood.

Nays, Messrs. Blake, Chandler, Cornwell, Cave, Dutton, Knowles, Lombard, Pierce, Reynolds, Steward, Vanderslice, Whitehead and Mr. Speaker.

Motion prevailed.

Mr. Cornwell moved that it be postponed and made the special order of 2 o'clock, P. M.

Mr. Sheldon moved to lay the motion upon the table.

Yeas and nays were ordered.

Yeas—20. Nays—10.

Yeas, Messrs. Brooks, Canniff, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lombard, Lynde, McMath, Morton, Noel, Nelson, Robertson, Rankin, Shively, Sheldon, Scott, Wood and Mr. Speaker.

Nays, Messrs. Blake, Chandler, Cornwell, Cave, Dutton, Pierce, Reynolds, Steward, Vanderslice and Whitehead.

So the motion to lay upon the table prevailed.

Bill having been read a third time, and being upon its final passage, Mr. McMath demanded the previous question.

Mr. Parks moved a call of the House.

Ruled out of order by the chair.

Mr. Parks appealed from the decision of the chair, and demanded the yeas and nays, which were ordered.

Yeas—22. Nays—9.

Yeas, Messrs. Bartlett, Brooks, Chandler, Canniff, Cave, Elliott, Fitzpatrick, Jones, Knowles, Lombard, Lynde, McMath, Morton, Noel, Nelson, Pierce, Robertson, Rankin, Shively, Sheldon, Scott and Wood.

Nays, Messrs. Bartlett, Cornwell, Dutton, Heath, Parks, Reynolds, Steward, Vanderslice and Whitehead.

So the chair was sustained.

The question recurring upon the demand for the previous question.

The yeas and nays were ordered.

Yeas—23. Nays—11.

Yeas, Messrs. Bartlett, Brooks, Chandler, Canniff, Cave, Elliott, Fitzpatrick, Heath, Jones, Lombard, Lynde, Lindsay, McMath, Morton, Nelson, Pierce, Robertson, Rankin, Shively, Sheldon, Scott, Wood and Mr. Speaker.

Nays, Messrs. Blake, Cornwell, Dutton, Murphy, Noel, Parks, Reynolds, Steward, Sims, Vanderslice, Whitehead and Wagstaff.

So the demand for the previous question was sustained, and the main question ordered.

The question recurring upon the final passage of the Bill.

The yeas and nays were ordered.

Yeas—21. Nays—13.

Yeas, Messrs. Brooks, Chandler, Canniff, Cave, Elliott, Fitzpatrick, Heath, Jones, Lombard, Lynde, McMath, Morton, Noel, Nelson, Pierce, Robertson, Rankin, Shively, Sheldon, Wood and Mr. Speaker.

Nays, Messrs. Blake, Bartlett, Cornwell, Dutton, Lindsay, Murphy, Parks, Reynolds, Steward, Sims, Scott, Vanderslice and Whitehead.

So the Bill passed.

The title was agreed to.

Mr. Nelson moved a reconsideration of the vote.

Mr. Fitzpatrick moved to lay the motion upon the table.

Carried.

Mr. Bartlett introduced House Bill No. 392, "An Act incorporating the Oxford Town Company."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Corporations.

Also, House Bill No. 394, "An Act incorporating the Clifton Town Company."

Read a first time.

Rules suspended.

Read a second time and

Referred to Committee on Corporations.

Mr. Vanderslice introduced House Bill No. 395, an amendment to Council Bill No. 71, of section 2.

Read a first time.

Rules suspended.

Read a second time and

Referred to Committee on Judiciary.

Council Bill No. 41, "An Act to create a Lien in favor of Mechanics and others," was taken up.

Rules suspended.

Bill read a first and second time, and passed over, informally.

Council Bill No. 156, "An Act to create the office of Justice of the Peace in Junction City, and to provide for the election of a Justice of the Peace," was taken up.

Read a first time.

Rules suspended.

Bill read a second time, and

On motion of Mr. Parks, amended by striking out the word "Riley" where it occurs, and insert the word "Davis."

Also, in section 2, line 3, strike out the words "1st Monday" and insert the words "4th Monday in March, 1860."

The Bill was read a third time and

Passed.

The title was agreed to.

Mr. Bartlett, from a Special Committee, submitted the following report:

The Special Committee, to whom was referred House Bill No. 396, "An Act to legalize certain acts therein named," have had the same under consideration, and recommend its passage.

A. BARTLETT,
JAMES H. JONES.

On motion of Mr. Bartlett, House Bill No. 396, "An Act to legalize certain acts therein named," was taken up.

Read a second time.

Rules suspended.

Bill read a third time and

Passed.

The title was agreed to.

Mr. McMath presented a petition of J. R. Wilcox and 60 others, of Johnson county, praying for a change of the southern boundary of said county.

Also, a petition of W. J. Jones and 45 others, of Johnson county, protesting against any change in the southern boundary of said county, unless it be three or nine miles.

Also, a petition of R. H. Phelan and 21 others, of Lykins county, praying for a change in the county lines of said county.

All of which were referred to the Committee on County Lines.

House Bill No. 58, "An Act to vacate a part of the Town Site of Pottawatomie city," was taken up.

The amendments of the Council were agreed to.

House Bill No. 170, "An Act to extend the time for the payment of Taxes in Leavenworth," was taken up, and,

On motion of Mr. Parks, the amendments of the Council were agreed to.

House Bill No. 221, "An Act to restrain intercourse with Indians," was taken up, and,

On motion of Mr. Whitehead, was passed over informally.

Message from the Council:

Mr. Speaker:—I am instructed to inform the House of Representatives that the Council have passed House Bill No. 107, entitled "An Act to amend 'An Act to establish a Code of Civil Procedure,'" with the following amendments:
Strike out "Sec. 5."
In Sec. 8, strike out "237" and "534."
Strike out "section 9."
Your concurrence is requested.

A. CUTLER,
Ass't Secretary.

House Bill No. 172, "An Act to amend an Act entitled 'An Act regulating Elections,'" was taken up.

Mr. Rankin moved the indefinite postponement of the Bill.

Mr. Murphy, moved to lay the motion upon the table.

Yeas and nays were ordered.

Yeas—16. Nays—18.

Yeas, Messrs. Blake, Cornwell, Cave, Dutton, Heath, Lombard, Murphy, McMath, Noel, Parks, Robertson, Reynolds, Sims, Sopris, Vanderslice and Whitehead.

Nays, Messrs. Bartlett, Brooks. Chandler, Elliott, Fitzpatrick, Jones, Lynde, Lindsay, Morton, Nelson, Pierce, Rankin, Steward, Shively, Scott, Wood and Mr. Speaker.

So the motion was lost.

The question recurring upon the motion to indefinitely postpone the Bill.

Mr. Wood demanded the previous question, which was sustained.

The yeas and nays being demanded upon the motion to indefinitely postpone the Bill, the result was as follows:

Yeas—17. Nays—17.

Yeas, Messrs. Bartlett, Brooks, Chandler, Elliott, Fitzpatrick, Jones, Knowles, Lynde, Lindsay, Morton, Nelson, Pierce, Rankin, Shively, Scott, Wood and Mr. Speaker.

Nays, Messrs. Blake, Cornwell, Cave, Dutton, Heath, Lombard, Murphy, McMath, Noel, Parks, Robertson, Reynolds, Steward, Sims, Sopris, Vanderslice and Whitehead.

There being a tie vote, the Speaker declared that the motion was lost.

Mr. Heath moved to lay the Bill upon the table.

Yeas and nays were ordered.

Yeas—22. Nays—14.

Yeas, Messrs. Blake, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Heath, Lombard, Lindsay, Murphy, McMath, Noel, Nelson, Parks, Robertson, Reynolds, Steward, Sims, Shively, Sopris, Vanderslice and Whitehead.

Nays, Messrs. Bartlett, Brooks, Chandler, Canniff, Jones, Knowles, Lynde, Morton, Pierce, Rankin, Sheldon, Scott, Wood and Mr. Speaker.

So the motion prevailed.

Council Bill No. 32, "An Act to charter a toll bridge over the Pawnee Fork of the Arkansas river," was taken up.

Mr. Murphy moved that the Bill be indefinitely postponed.

Upon which, Mr. Rankin demanded the previous question, which was sustained.

The yeas and nays being demanded upon the motion to indefinitely postpone the Bill, resulted,

Yeas—19. Nays—11.

Yeas, Messrs. Brooks, Chandler, Canniff, Cave, Heath, Jones, Lombard, Lynde, Murphy, Morton, Nelson, Parks, Robertson, Reynolds, Shively, Whitehead, Wood and Mr. Speaker.

Nays, Messrs. Blake, Bartlett, Cornwell, Dutton, Elliott, Lindsay, Rankin, Steward, Sims, Sheldon and Scott.

So the motion prevailed.

The consideration of Council Bill No. 41, "An Act to create a lien in favor of Mechanics and others," was resumed.

Mr. Sims offered the following amendments to the Bill, which were adopted:

Amend by inserting the word "fence" before the word "house" in sixth line of first section.

Also, amend second section by inserting before the word "building," in the second line on the second page of manuscript, the word "fence."

The Bill having been read a third time, was

Passed.

The title was agreed to.

House Bill No. 307, "An Act to provide for a vote on the County Seat of Riley County," was taken up.

Bill read a third time and

Passed.

The title was agreed to.

House Bill No. 345, "An Act to amend an Act entitled 'An Act to establish a Code of Civil Procedure," was taken up.

Mr. Elliott moved to lay the Bill upon the table.

Carried.

On motion of Mr. Whitehead,

The House adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

Message from the Governor:

EXECUTIVE OFFICE, K. T.,
Feb. 18, 1860.

To the Speaker of the House of Representatives:

I have this day approved House Bills, "An Act to incorporate the Leavenworth Mercantile Library Association."

"An Act to incorporate a ferry at the City of Ogden."

"An Act to authorize William D. Harris and Alexander Street to build a bridge across the 110 creek, at the town of Washington."

"An Act to authorize the county of Leavenworth to issue bonds for railroad purposes."

"An Act legalizing certain acts therein mentioned."

"An Act in relation to Isabella Vaughn."

"An Act to incorporate the New Brighton Company."

"An Act to extend the time for the completion of the Kansas River Bridge, at Tecumseh."

"An Act to change the name of Mary K. Patterson."

"An Act to establish a ferry at the town of Montana, in Arrapahoe county."

"An Act to incorporate the City of Burlingame."

"An Act to amend an Act entitled 'An Act to protect the rights of Married Women, and in relation to the liabilities incident to the married relation."

"An Act to incorporate the City of Bellmont, in Doniphan county, Kansas Territory."

"An Act to establish a Toll Bridge across the Marais des Cygnes river, at Peoria city."

"An Act to organize the county of Cherokee."

"An Act legalizing an assessment made by William J. Orum."

"An Act to incorporate the Wyandott Lodge, No. 3, of Ancient Free and Accepted Masons."

"An Act to incorporate the Stanton University, at Stanton."

"An Act to incorporate the Kansas Philo-Dramatic and Scientific Institute."

"An Act to provide for the issue of Duplicate Territorial Warrants in certain cases."

"An Act incorporating Smithton Lodge, No. 1, of Ancient Free and Accepted Masons."

"An Act to incorporate the Dayton Town Company," and

"An Act to incorporate the Free Point Town Company."

Respectfully,

S. MEDARY.

Message from the Council:

MR. SPEAKER:—The Council direct me to notify the House that they have passed Council Bill No. 87, "An Act appropriating money to defray certain Judicial expenses of the Territory of Kansas."

Council Bill No. 145, "An Act to change and establish the northern and southern boundaries of the county of Lykins."

Council Bill No. 53, "An Act to incorporate the Kansas River Navigation Company."

Council Bill No. 151, to incorporate the Jefferson Fire Marine and Life Insurance Company, of Denver.

Council Bill No. 103, "An Act to incorporate the Southern Kansas Agricultural and Mechanical College."

Council Bill No. 110, "Supplemental to an Act legalizing the appointment of Trustees, and regulating conveyances for the City of Lawrence."

Respectfully invite your concurrence.

JOHN J. INGALLS,
Secretary.

Council Bill No. 151, "An Act to incorporate the Jefferson Fire Marine and Life Insurance Company," was taken up.

Rules suspended.

Read a second time, and

Referred to a Special Committee of two—Messrs. Sopris and Parks.

House Bill No. 221, "An Act to restrain intercourse with Indians," was taken up, and, On motion of Mr. Vanderslice, the amendments of the Council were agreed to.

The special order being House Bill No. 103, "An Act to establish the county of Washashee," it was taken up.

Mr. Elliott moved to indefinitely postpone the Bill, and demanded the previous question, which was sustained.

The question being upon the indefinite postponement of the Bill,

The yeas and nays were ordered.

Yeas—11. Nays—22.

Yeas, Messrs. Cave, Dutton, Elliott, Knowles, Murphy, Noel, Nelson, Pierce, Robertson, Shively and Mr. Speaker.

Nays, Messrs. Blake, Bartlett, Brooks, Chandler, Cornwell, Heath, Lombard, Lynde, Lindsay, McMath, Morton, Parks, Reynolds, Rankin, Steward, Sims, Sheldon, Scott, Sopris, Vanderslice, Whitehead and Wood.

So the motion to indefinitely postpone the Bill was lost.

Mr. Wood moved that it be referred to a Select Committe of three.

Carried.

The Speaker appointed as said Committee Messrs. Elliott, Bartlett and Sheldon.

Mr. Lynde, from the Committeee on County Lines, submitted the following report:

Mr. Speaker:—The Committee on County Lines and County Seats, to whom was referred House Bill. No. 374, "An Act to establish the boundary line of Douglas county," beg leave to report that they have had the same under consideration, and recommend its indefinite postponement.

E. LYNDE, Chairman.

Mr. Parks moved that the report be agreed to.

The yeas and nays were ordered.

Yeas—22. Nays—12.

Yeas, Messrs. Blake, Chandler, Cornwell, Cave, Dutton, Elliott, Jones, Lombard, Lynde, Murphy, McMath, Noel, Nelson, Parks, Robertson, Reynolds, Rankin, Steward, Sims, Sopris, Vanderslice and Whitehead.

Nays, Messrs. Bartlett, Brooks, Heath, Knowles, Lindsay, Morton, Pierce, Shively, Sheldon, Scott, Wood and Mr. Speaker.

Motion prevailed.

Mr. Lynde moved that the Bill be indefinitely postponed.

Mr. Wood moved to lay the motion upon the table.

Lost.

The question recurring upon the motion to indefinitely postpone the Bill,

The yeas and nays were ordered.

Yeas—23. Nays—13.

Yeas, Messrs. Blake, Chandler, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Jones, Lombard, Lynde, Lindsay, Murphy, McMath, Noel, Nelson, Parks, Robertson, Reynolds, Steward, Sims, Sopris, Vanderslice and Whitehead.

Nays, Messrs. Bartlett, Brooks, Canniff, Heath, Knowles, Morton, Pierce, Rankin, Shively, Sheldon, Scott, Wood and Mr. Speaker.

So the motion prevailed.

Mr. Lynde moved to reconsider the vote.

Mr. Parks moved to indefinitely postpone the motion to reconsider.

Carried.

House Bill No. 273, "An Act to restrain Dram Shops and Taverns, and to regulate the sale of Intoxicating Liquors," was taken up.

Mr. Murphy moved to indefinitely postpone the Bill.

Lost.

The Bill having been read a third time, and

Being upon its final passage,

The yeas and nays were ordered.

Yeas—21. Nays—10.

Yeas, Messrs. Bartlett, Brooks, Canniff, Cornwell, Cave, Dutton, Elliott, Heath, Jones, Knowles, Lindsay, Parks, Pierce, Robertson, Reynolds, Rankin, Scott, Sopris, Whitehead, Wood and Mr. Speaker.

Nays, Messrs. Chandler, Lombard, Murphy, McMath, Noel, Nelson, Steward, Sims, Sheldon and Vanderslice.

So the Bill passed.

The title was agreed to.

Council Bill No. 72, "An Act to regulate Chattel Mortgages and Bills of Sale of Personal Property," was taken up.

The Bill was read a third time and

Passed.

The title was agreed to.

Council Bill No. 128, "An Act amendatory to 'An Act exempting certain Property from sale on Execution or other process," was taken up, and

On motion of Mr. Parks, it was laid on the table.

Council Bill No. 77, "An Act regulating the verification of Pleadings," was taken up.

Mr. McMath moved that the Bill be indefinitely postponed.

Carried.

House Bill No. 231, "An Act concerning Divorce and Alimony," was taken up.

The Bill having been read a third time, was

Passed.

The title was agreed to.

House Bill No. 358, "An Act to protect Debtors making partial payments," was taken up.

Mr. McMath moved to indefinitely postpone the Bill.

Mr. Wood moved to lay the motion upon the table.

Lost.

On motion of Mr. Sims, the words "ten per cent" were stricken out and "twenty" inserted.

The question recurring upon the motion to indefinitely postpone the Bill, it was lost.

The Bill having been read a third time, and

Being upon its final passage,

The yeas and nays were ordered.

Yeas—21. Nays—6.

Yeas, Messrs. Bartlett, Chandler, Cave, Elliott, Jones, Lombard, Lynde, Morton, Nelson, Parks, Pierce, Robertson, Steward, Reynolds, Sims, Scott, Sopris, Vanderslice, Whitehead, Wood and Mr. Speaker.

Nays, Messrs. Brooks, Cornwell, Heath, Knowles, McMath and Rankin.

So the Bill passed.

The title was agreed to.

House Bill No. 361, "An Act to authorize the transcripts of Judgments to be filed in counties other than where Judgment is rendered, and to make liens on Real Property," was taken up.

Mr. Sims moved that it be referred to a Select Committee.

Carried.

The Chair appointed as said Committee, Messrs. Sims, Sopris and Steward.

House Bill No. 362, "An Act to amend Section 60 of the Code of Civil Procedure," was taken up, and

On motion of Mr. Wood, was indefinitely postponed.

House Bill No. 363, "An Act to amend Section 5C2 of the Code of Civil Procedure," was taken up, and

On motion of Mr. Wood, was indefinitely postponed.

House Bill No. 176, "An Act to amend an Act entitled 'An Act respecting Executors and Administrators, of their appointment and removal from office,'" was taken up.

Mr. Sims moved the indefinite postponement of the Bill.

Carried.

House Bill No. 343, "An Act to incorporate the Leavenworth College," was taken up.

Mr. Parks moved that the amendments, as recommended by the Committee on Corporations, be disagreed to.

Carried.

Mr. Parks moved to strike out in Section 9, all after the word "require," thirteenth line from the top.

Mr. Scott moved to lay the motion on the table.

Lost.

The question recurring upon the adoption of the amendment, as proposed by Mr. Parks,

The yeas and nays were ordered.

Yeas—20. Nays—11.

Yeas, Messrs. Brooks, Chandler, Canniff, Cave, Dutton, Heath, Knowles, Lombard, Lynde, McMath, Noel, Nelson, Parks, Robertson, Steward, Reynolds, Shively, Vandeislice, Whitehead and Mr. Speaker.

Nays, Messrs. Bartlett, Cornwell, Elliott, Jones, Lindsay, Morton, Pierce, Rankin, Scott, Sopris and Wood.

So the amendment was agreed to.

The Bill was read a third time and

Passed.

The title was agreed to.

House Bill No. 107, "An Act to amend the Code of Civil Procedure," was taken up.

The amendments of the Council were agreed to.

On motion of Mr. Bartlett, House Bill No. 345, "An Act to amend an Act entitled 'An Act to establish a Code of Civil Procedure,'" was taken from the table.

Read a third time and

Passed.

The title was agreed to.

House Bill No. 390, "An Act to incorporate the Marion Town Company," was taken up.

The Bill having been read a third time was

Passed.

The title was agreed to.

House Bill No. 65, "An Act to repeal an Act entitled 'An Act defining the boundary line between the counties of Breckenridge and Madison, K. T ,'" was taken up.

Mr. Elliott offered an amendment to the Bill, and moved its adoption.

Mr. Morton moved to indefinitely postpone the subject.

Mr. Wood moved to lay the motion upon the table.

Yeas and nays were ordered.

Yeas—19. Nays—13.

Yeas, Messrs. Cave, Elliott, Jones, Lombard, Murphy, Noel, Nelson, Parks, Pierce, Robertson, Reynolds, Steward, Sims, Shively, Sheldon, Sopris, Vanderslice, Whitehead and Mr. Speaker.

Nays, Messrs. Bartlett, Brooks, Chandler, Canniff, Cornwell, Heath, Knowles, Lynde, Lindsay, McMath, Morton, Rankin and Scott.

So the motion prevailed.

Mr. Morton moved to refer the Bill and the amendments to a Select Committee of three.

Mr. Parks moved to lay the motion upon the table.

Yeas and nays were ordered.

Yeas—16. Nays—17.

Yeas, Messrs. Cave, Elliott, Jones, Lombard, Lynde, Lindsay, Murphy, Noel, Nelson, Parks, Robertson, Reynolds, Scott, Sopris, Vanderslice and Whitehead.

Nays, Messrs. Bartlett, Brooks, Chandler, Canniff, Cornwell, Heath, Knowles, McMath, Morton, Pierce, Rankin, Steward, Sims, Shively, Sheldon, Wood and Mr. Speaker.

So the motion was lost.

The question recurring upon the motion to refer the Bill and amendments to a Select Committee of three, it prevailed.

The Chair appointed as said Committee Messrs. Elliott, Wood and Morton.

On motion of Mr. Brooks, Council Bill No. 110 was taken up, "An Act supplemental to an Act entitled 'An Act legalizing the appointment of Trustees and regulating Conveyances for the city of Lawrence.' "

Rules suspended.

Bill read a second and third time.

Mr. Scott moved that it be referred to the Judiciary Committee.

Lost.

The Bill having been read a third time was

Passed.

The title was agreed to.

Mr. Rankin, from the Joint Committee, submitted the following report:

The Joint Committee, to whom was referred the various Bills of the Council and House of Representatives relating to Territorial Roads, beg leave to report the following as a substitute and recommend its passage.

W. A. RANKIN,
Chairman on the part of House.
WATSON STEWART,
Chairman on the part of Council.

The substitute as reported by the Joint Committee was taken up.

Rules suspended.

Bill read a second time, and

On motion of Mr. Nelson, was laid on the table and ordered to be printed.

Message from the Council:

MR. SPEAKER:—The Council direct me to notify the House that they have passed House Bill No. 148, "An Act authorizing the collection of Toll on the bridge crossing the Wakarusa."

House Bill No. 126, "An Act providing for the permanent location of the County Seat of Douglas county."

Council Bill No. 185, "An Act to incorporate the Quindaro and Shawnee Bridge and Road Company."

Council Bill 160, to authorize the county of Douglas to issue Bonds.

Council Bill No. 153, to incorporate the Western Coal and Mining Company.

House Bill No. 162, "An Act to divorce Elizabeth Jones from James Jones."

House Bill 282, "An Act divorcing James Henry Crawford and Melinda Elizabeth Crawford."

House Bill No. 219, "An Act for the relief of J. Newell."

House Bill No. 364, "An Act to divorce Gertrude Siever from William Siever."

House Bill 266, "An Act divorcing Sarah Wood and Charles F. Wood."

House Bill No. 285, "An Act divorcing Camillia E. Woodhull and Stephen Y. Woodhull."

House Bill No. 274, "An Act divorcing Clara L. Crane from Orlando M. Crane."

House Bill No. 183, "An Act divorcing William V. Barr and Louisa Barr."

Council Bill No. 139, "An Act to divorce William Henry and Mary Jane Henry."

Council Bill No. 117, "An Act divorcing O. B. Bromley and Abyna E. Bromley."

Council Bill No. 118, "An Act divorcing John F. Conwell and Lucy E. Conwell."

Council Bill No. 137, "An Act to divorce Jane G. Burdett."

Council Bill No. 142, "An Act to divorce Henry Leis and Catherine Leis."

Council Bill No. 68, "An Act divorcing John H. Furman and Julia Maria Furman."

Council Bill No. 192, "An Act divorcing William M. F. Greer and Matilda Greer."

House Bill No. 153, "An Act to divorce Mary Ann Johnson and D. B. Johnson,"

House Bill No. 379, "An Act divorcing Robert S. Strother and Rhoda Strother," without amendment.

Your concurrence in the passage of Council Bills is respectfully solicited.

JOHN J. INGALLS,
Secretary.

Council Bill No. 88, "An Act to amend an Act entitled 'An Act to incorporate and establish the city of Leavenworth, K. T.,'" was taken up, and

On motion of Mr. Parks, the Bill and amendments were referred to a Select Committee of two: Messrs. Parks and Murphy.

On motion of Mr. Parks, Council Bills on first reading were taken up, read a first and second time and referred to their appropriate Committees.

Mr. Sopris moved that the rules be suspended and all divorce Bills be read a third time.

Mr. Lynde called for the yeas and nays upon the suspension of the rules.

Yeas—11. Nays—18.

Yeas, Messrs. Brooks, Cornwell, Elliott, Heath, Jones, Lombard, Morton, Noel, Nelson, Pierce, Sopris and Mr. Speaker.

Nays, Messrs. Blake, Bartlett, Canniff, Cave, Dutton, Knowles, Lynde, Lindsay, McMath, Parks, Robertson, Reynolds, Steward, Shively, Scott, Vanderslice, Whitehead and Wood.

So the motion to suspend the rules was lost.

Mr. Nelson moved that the divorce Bills be referred to a Select Committee of three.

Carried.

The Speaker appointed as said Committee Messrs. Nelson, Whitehead and Pierce.

Mr. Lindsay introduced House Bill No. 398, "An Act to amend 'An Act regulating Conveyances.'"

Read a first time.

Rules suspended, and

Read a second time, and

Referred to Committee on Judiciary.

Mr. Vanderslice introduced House Bill No. 399, "An Act amendatory of 'An Act incorporating the Iowa Point Steam Ferry Company.'"

Read first and second times and

Referred to Committee on Corporations.

Mr. Whitehead introduced House Bill No. 400, "An Act incorporating the Doniphan County Agricultural Society."

Read first and second times and

Referred to Committee on Agriculture.

Also, House Bill No. 401, "An Act authorizing the erection of a Mill by James Arnett."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Corporations.

Mr. Scott introduced House Bill No. 402, "An Act to provide for the permanent location of the County Seat of Bourbon county."

Read a first time.

Rules suspended.

Read a second time.

Referred to Committee on County Lines.

Mr. Whitehead introduced House Bill No. 403, "An Act authorizing the erection of a Mill Dam in the town of Charleston."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Corporations.

Mr. Morton introduced House Bill No. 404, "An Act to organize Greenwood county."

Read a first time.

Rules suspended.

Read a second time and

Referred to Committee on County Lines.

Joint Committee introduced House Bill 405, "An Act to establish certain Territorial Roads."

Read a first time.

Rules suspended.

Read a second time.

Ordered to be printed.

Also, Joint Committee introduced House Bill No. 406, "An Act to provide for the assessment and collection of Taxes."

Read a first time.

Rules suspended.

Read a second time and

Ordered to be printed.

Mr. Brooks introduced House Bill No. 407, "An Act to amend and consolidate the several Acts relating to the city of Lawrence."

Read a first time.

Rules suspended.

Read a second time and

Referred to Committee on Corporations.

Mr. Pierce introduced House Bill No. 408, "An Act for the relief of Daniel Auld."

Read a first time.

Rules suspended.

Read a second time and

Referred to Committee on Judiciary.

Mr. Elliott moved to adjourn until seven o'clock this evening.

Mr. Parks moved to amend by inserting nine o'clock Monday morning.

The amendment prevailed, and the House stood adjourned until Monday morning, at nine o'clock.

GUSTAVUS A. COLTON,
Speaker of the House of Representatives.

M. W. Delahay,
Chief Clerk.

MONDAY, February 20, 1860,
9 o'clock, A. M.

House called to order by the Speaker.

Roll called.

Absentees, Messrs. Canniff, Fitzpatrick, Heath, Sims, Wagstaff.

The Journal of Saturday read and approved.

Mr. Parks asked that Mr. Wright be excused from further service for the balance of this session.

Leave was granted.

Mr. Lindsay offered the following resolution, which was adopted:

Resolved, That the Hon. A. M. Clarke be invited within the Bar of this House, during the remainder of this session.

Mr. Cornwell presented a remonstrance of John O. Eaton and 18 others, legal voters of Johnson county, against any change in the lines of said county.

Also, a remonstrance of A. Paymann and 59 others, legal voters of Johnson county, against any change in the county lines of said county.

Both of which were referred to the Committee on County and County Lines.

Mr. Knowles presented an account of A. G. Reynolds, against the Territory, for services rendered.

Referred to Committee on Accounts.

On motion of Mr. Parks, the vote by which the amendment of Council to House Bill 170 were agreed to, "An Act extending the time for the payment of Taxes in Leavenworth county," was reconsidered.

On motion of Mr. Sims, the House non-concurred in Council amendments.

Mr. Lynde in the Chair.

Mr. Colton introduced House Bill No. 412, "An Act to incorporate the Mount Vernon Town Company."

Read a first time.

Rules suspended.

Read a second and third times and

Passed.

The title was agreed to.

Also, House Bill No. 413, "An Act amendatory to an Act, entitled 'An Act to provide for the superintendence and maintenance of Common Schools.'"

Bill read the first time.

Rules suspended.

Read a second time.

Mr. Nelson moved to strike out the word "male" in 1st section.

The yeas and nays were ordered.

Yeas—15. Nays—19.

Yeas, Messrs. Bartlett, Chandler, Cave, Jones, Knowles, Lynde, Lindsay, Morton, Nelson, Pierce, Robertson, Shively, Scott, Wood and Sheldon.

Nays, Brown, Blake, Brooks, Cornwell, Dutton, Knowles, Lombard, McMath, Noel, Parks, Reynolds, Rankin, Steward, Sims, Sopris, Vanderslice, Whitehead, Wright, Wagstaff and Mr. Speaker.

So the motion was lost.

Mr. Nelson moved that the Bill be referred to the Committee on Education.

Lost.

On motion of Mr. Colton, the Bill was referred to a Select Committee of three.

Committee, Messrs. Colton, Sims and Morton.

Mr. Wagstaff presented a remonstrance of Elias Steker and 64 others, against any change in the county lines of Lykins county.

Referred to the Committee on County Lines.

Mr. Colton introduced House Bill No. 414, "An Act for the redemption of Real Estate under Mortgage."

Read a first time.

Rules suspended.

Read a second time, and was

Referred to the Committee on Judiciary.

Mr. Whitehead, from a Select Committee, submitted the following report:

Mr. Speaker:—The Select Committee to whom was referred House Bill No. 359, have considered the same and recommend the passage of the substitute, herewith returned, instead of said Bill.

C. B. WHITEHEAD,
J. H. JONES,
A. BARTLETT.

The report was agreed to, and the substitute adopted.

The substitute as reported by the Special Committee, was taken up.

Read third time and

Passed.

The title was agreed to.

Mr. Parks, from a Special Committee, submitted the following report:

The Special Committee, to whom was referred Council Bill

No. 151, having had the same under consideration, beg leave to report the same back and recommend its passage without amendment.

SOPRIS, } Com'tte.
P. S. PARKS, }

Council Bill No. 151, was taken up.

Read a third time and

Passed.

The title was agreed to.

A message was received from the Governor, returning House Bill No. 6, "An Act to prohibit Slavery and Involuntary Servitude in Kansas," with his objections.

VETO MESSAGE.

EXECUTIVE OFFICE, K. T., }
February 20, 1860. }

To the Honorable, the House of Representatives :

GENTLEMEN :—I have received the Bill entitled "An Act to Prohibit Slavery in Kansas," and not satisfied that it accomplishes what its title imports, I return it, with reasons.

This Bill appears to be more political than practical—more for the purpose of obtaining men's opinions than for any benefit or injury it can be to any one. I am the more fully convinced of this, from the articles which have appeared in the organs of the Republican party in this Territory, which, it is proper to presume, speak by authority of those they represent. Two of the papers before me, call upon you to pass this Bill, to see what I may say, and compel me to act in the premises. The *Republican*, of this place, is very emphatic, and the *Champion*, of Atchison City, edited by the Secretary of the Wyandott Constitutional Convention, "*dares*" you repeatedly to fail in sending this Bill to me to get my action upon it for political purposes.

The *Republican* says :

"We want to test Governor Medary."

The *Champion* says :

"If Medary will take the responsibility of vetoing it, pass it over his head, and then let them bring the subject before the courts, and have Judge Taney make another advance in his theories, respecting the Constitution. We shall see, then, what these Democrats, who howl about 'as-good-free-state-men-as-you-are' will do when called upon to act. And we shall see whether there is anything in their professions of 'squatter sovereignty.'

"We repeat it, let the Republicans pass the Bill abolishing slavery at the very earliest day. Make it as simple as possible; put into it no outside propositions that they may excuse themselves on; simply *abolish* the thing, and bring these Democrats to the test. It is the first, the most important, the all absorbing duty which devolves upon the Republicans in the Legislature, and if they *dare* neglect it, if they *dare* let this opportunity pass by unimproved, the people of Kansas, and the presses of the Territory, will hold each and every one of them to a strict accountability for his action. 'It were better that a mill-stone be hanged about his neck, and he be drowned in the midst of the sea,' than that he should fail or refuse to pass an act which the whole people demand."

Always willing to accommodate political opponents, as well as friends, with my views on politics or any other subject, I accept the invitation with pleasure, and offer this as an apology for the extent I may go in satisfying so generous a demand.

I do not consider any man worthy of public position, or the name of statesman, who is not ready and willing, at all times, when asked, to express his views honestly, and without fear, on all that concerns the public welfare. Opinions given, because they are opinions of somebody else, or to suit the public taste, for selfish and ambitious purposes are not opinions deserving the dignity of the name. They are time-serving expressions, degrading to their author, which tend to demoralize the public mind. They are the arts of the demagogue, not the arguments of the statesman. From all such may our country be delivered.

To arrive at "first principles," it is often necessary to go back to first history. Light thus brought, from the pure fountains of patriotism, may illume the darkness of the present hour. No doubt many persons of the present day are led to believe that the subject of negro slavery has been brought into American party politics, for the first time, during the last few years. Such is not the fact. If not as dangerously, it has as intensely raged at certain periods before as now. It is no *new* thing for men seeking political positions to seize upon this topic to subserve their ambition. It is fruitful of that kind of excitement, which answers a desirable purpose on the eve of an election; and, most unfortunately for our country, we are not wanting in aspirants to public favor who are ready to seize upon it, reckless of consequences, as of truth and fair dealing. Like charity, it is made to cover a multitude of sins, and many a corrupt and ignorant man has raised himself into office by this intensified lever. There are lawyers who never fail to argue the weak point in their case. There are many politicians who are perfectly familiar and thorougly posted on all abstruse questions of Constitutional law. Questions, which the wisest, the greatest and the most learned approach with diffidence and doubt, and whose conclusions are arrived at only after the most labored investigation, these men *know all about*. They knew it from their cradles—they sucked the "honey dew" of legal lore from their mother's breasts. To the preacher without piety and the lawyer without briefs, the question of negro slavery in the United States is perfectly clear. It is the manna which feeds them, and they have reason to be thankful for this their great blessing. To hear their displays, one might suppose that a new dispensation had just dawned upon the world, and that our fathers were not only heathens, but lost to all hope of Christian salvation.

Is it from patriotism and piety? Is it from love of man and man's salva-

tion, that this babel has arisen? No, not a very large amount of either. It is political. Politics has got into the church, and the church into politics —and the acid and the alkali has effervesced. That is what is the matter. Steady hands, sound heads and warm hearts, and we shall all be right again. The truth of history will put us right as to the past and present, and the force of unyielding circumstances will put us right in the future. From these two causes, unpalatable as they may be to thousands, there is no escape. The doom of the unwilling is already paling in the distance.

Let us look this whole question right in the face, like men and bretheren and see what it is. The African was brought into the colonies long before self-government or popular sovereignty was thought of in this country, and held, in what is termed slavery. Long before that, the Spaniards had made numerous, but unsuccessful attempts to reduce the native Indians to slavery. But of all races of men, the North American Indian is the most obstinate in his resolution against manual labor. The result is, that he has fled before the advance of civilization as though it were a pestilence, and his wild race must soon become extinct. When the command was given that man should "eat his bread by the sweat of his brow," the idle races were doomed, whenever coming in contact with the working races. So it has been in all time past—so it will be in all time to come—ignorance, fanaticism, babelism to the contrary notwithstanding.

But the black man, unlike the red man, was found patient of labor, and suited to the climate of his new home. Ignorant, debased, the slave of petty tyrants in his native land, he was incapable of taking care of himself, and if left alone, his career would have been brief; but with a master to look to his wants and teach him the use of implements of civilization, he became useful and greatly benefitted by the change. Whatever may be said of the inhumanity of bringing him to our shores, his relative condition to the white man was inevitable. Hence commenced what is termed negro slavery in this country. It was not a condition brought about by one nation subjecting another to the condition of slavery, of equal birth, education and moral and social advancement with themselves—it had nothing of this whatever in its character or origin, so far as the people of the colonies were concerned. They were brought to our shores by the old England and New England Merchantmen, as a matter of commercial speculation—as the coolie trade is now carried on in the face of the enlightenment of the nineteenth century, and within the very echoes of the howling of abolition rage on both shores of the Atlantic. But as there is no political capital to be made out of this by the abolitionists, to rend assunder these States, they sit as mute under these coolie speculations though transpiring before their eyes, as though they did not exist, showing the hypocracy of their morals and the baseness of their politics.

Two things are worthy of remark here: First, Such was the extent to which the old and New England Merchants imported Africans into the Southern plantations, that the public mind was first aroused *there* in hostility to it, and many of the steadiest opponents of what was then, as now, called the slave trade, were Southern planters; and they never ceased their opposition until the trade was terminated. Second, It is the descendants of these very merchant negro-traders and importers of old and New England, who are now rousing the sectional animosities of our people, and are ready to drench the country in blood and human carnage, because of that relative condition of the African in our country, of which they are the authors and projectors.

Their fathers in the beginning made their wealth by stealing negroes from Africa, and importing them into the Southern plantations—their descendents still imbued with the philanthropic enterprise, are now stealing them from these Southern plantations, and at sixty dollars a head, very nearly the old price, and running them into Canada, with the offices of the country in reserve for those who foot the bills, and give brains and character to this second great negro enterprise.

During the war of the Revolution, negro slavery pervaded the whole of the Colonies. General Washington carried with him his negro servants whereever he went. In that era of patriotism and love of freedom, there were no political abolitionists to entice away negroes from their masters. In that day the *isms* of the present hour had no existence—no free-loveism to demoralize the white population, nor abolitionism to disturb the harmony of the relations existing between the white and black races. The stars and stripes floated in proud triumph, from one extreme of the thirteen late revolting Colonies to the other, around which the brave hearts of our country rallied as one in soul, one in purpose. By this union of sound hearts and enlarged understandings, the revolt from the British crown was successful—and by the same spirit of union, harmony and concession, the government known as the "United States" of America was established—a government, which, for its liberal principles, the freedom of man, its generous and humane laws, its enlightened march in the race of nations, its power and its glory in the affairs of the world has no equal, no competiter, no rival in the pages of history. The great Ruler of all things, seemed to have furnished men and minds equal to the occasion. Every obstacle was fairly and boldly met, every difficulty manfully surmounted. The States or Colonies, when free from British bondage, were each independent of the other—nations of themselves, unrestricted and sovereign. Hence, in providing a general government for the whole, for wise and economical purposes—where all could be represented on an equal footing, as sovereign States and not as dependent Colonies, was the work of great caution, of hours and days of the most solemn deliberation. The pulse of the embryo nation beat high and quick with alternate hopes and fears. The patriot just out of the heat and blood of battle, with a powerful and obstinate foe—the weather-beaten soldier, whose wounds were still bleeding, still unhealed—lay restless, in their fitful dreams of the terrible but glorious past, to learn tidings of the labors of the convention of these States. The prophecies of Kings, of Emperors, and their paid followers, that on this rock we were to be wrecked, rung in the ears of our statesmen and political philosophers (for we had philosophers in those days) and prognostics of failure by the Tories in our midst, who hated "Washington and his rebels" as intensely during the war of the Revolution, as some men profess to hate the Democrats of the present day, and it is feared for the same reason, were met at every street corner and cross road.

What made the scene more trying, was that the Convention had not only to agree among themselves, but their labors had to be submitted to each State for its separate and individual sanction. The failure of any considerable portion of them to sanction the work of the Convention, would be a failure of the whole, and what we had gained by blood and treasure, would have been lost by disagreement—even a single State, of the smallest area, to have remained out of the Union, would have given vast trouble, and probably led to an attempt to *force* her into the Union; thus commencing our career with oppression if successful, or civil war and ruinous commotions, such as might have led to a despotic form of government, if unsuccessful. At best a canker worm would have been planted in the heart of the Tree of Liberty, which sooner or later would have eaten it to decay, and prostrated it before the storms of faction.

But happily for us—happily for the world at large and the hopes of mankind everywhere, the prophecies of Despots without and the jeers of traitors within, the work of our noble fathers was a complete success, and the enemies of free government were completely at bay. Foiled in their hopes, disconcerted in their plans, crowns and imperial robes have covered uneasy occupants ever since, and the oppressed have taken fresh courage and are hourly demanding concessions from their oppressors. We preach by example—we subdue by kindness and friendly relations—we convince by honest purposes and fair dealing, and what was once an experiment is now a matter of blazoned success on the pages of history, bedecked in jewels and written in letters of gold. Monuments of marble and granite are being reared to the memories of the founders of our glory, and the richest fields of oratory sought, to impress the hearts of our generation with the greatness of their deeds.

At last we have a *Union* of the States, under one General Government. The powers to be exercised were defined in a written Constitution. All others were reserved to the States and the people. Then came the great contest, to fix, as a rule of action, what those powers were. Those who had opposed the Revolution—whose hearts still clung to the mother country; and all those who doubted the capability of the people for self-government; who opposed the extension of suffrage to *white* men—for no one then thought of claiming such right for the Negro—rallied to the side of a strong government, and a most liberal construction. This party was led by men who had done good service in the Revolution—men of powerful intellects—and they collected followers from all classes and factions of those who derided a more strict construction of the provisions of the Constitution, and freer thought and action. The strict constructionists embodied the living mass of the actors in and defenders of the separation from Great Britain. They cordially despised all despotic forms of Government, and, from recent causes, especially the King and Government of England. They opposed despotism both over the body and the mind, and were literally denounced as irreligious by the then strong church party, which, naturally enough, united with the strong government party.

One party (the Democratic) dreaded the power of the Government; the other (the Federal) that of the people.

The strong government, and the strong churchmen, placed at their head John Adams, of Massachusetts. Their opponents selected as their standard bearer, Thomas Jefferson, of Virginia. The issue was fairly joined; and on the result hung the fate of a new world and the material and human progress of an extraordinary people.

Mr. Adams had succeeded General Washington, and, during the four years of his administration, the practical effect of the "general welfare" doctrine—an expression in the Constitution from which the most unlimited power was endeavored to be drawn—startled the revolutionary spirit, still fresh and vigorous, and Mr. Jefferson, the great champion of State Rights, of strict construction, and the rights of man, was elected and inaugurated on the fourth of March, 1801. The first great crisis, under the Constitution, was passed, and the Government took a new tack; and the great Democratic organization was thoroughly established and its principles well defined and imprinted on the laws of the Nation. It was then, as now, thoroughly national—disregarding all sectional issues as an invasion of State Rights, and all intermeddlings with what the Constitution had expressly reserved to the States themselves and the people.

Here originated that very agitation of which we are now in the last throes—the origin of the very Bill now before me, and the occasion of this very paper. The seeds then sown have grown to full maturity. The fruit is fully ripe, and the political reapers are in the field with sickles well sharpened, and with much greater ardor than they ever labored to garner wheat from the sunburned soil of honest industry.

In forming the Constitution, our ever to be venerated fathers saw and felt the difficulties that surrounded them on this very question of Negro Slavery. While in the numerical aggregate the negro was counted in the column of humanity—in all that concerned political rights they were excluded. While treated with delicacy and humane care, as of the human family, they were not recognized as a part of our political franchisement. They were clothed, and fed, and housed, and furnished medical aid in times of sickness, and for this they owed their protectors, for such they were in reality, "service or labor." To this extent the Constitution recognized them, and no further. All else was left to the action of the free and sovereign States to take care of and regulate in their own way. As Slavery then existed in all the States by positive law or by sufferance, even in the land of William Penn, no restriction or requirement whatever, was made in regard to their action on the subject. Such States as chose to abolish it had a right to do so or not, as might suit them best. The restriction, under the Act of 1787, in regard to the Northwest Territory, remained as it was created, by the Congress of the Confederation; yet Slavery existed, in portions of that Territory, from the passage of that Act, until abolished by the organization of States over it; and, during the existence of the Territory of Indiana, after Ohio had been admitted into the Union, Territorial laws were passed regulating the condition of master and slave, one, at least, of which was approved by General Wm. H. Harrison, (afterward elected President of the United States,) while Governor of said Territory. But the Constitution of the United States was silent on the subject of Slavery, and remains so to this day.

Such was the state of things when Mr. Jefferson was inaugurated President. Mr. Jefferson was not only a Statesman of enlarged views, and deeply imbued with what was then termed radical Democratic views, but a philosopher—deep read, and with a mind that looked far into the future of his country. He had the vision of a Prophet, and guided the present to meet the events of the future. He won more in the Cabinet by his eye, surveying destiny, than heroes won in the field. While he laid down the principles upon which was established the Democratic party of the States, he marked out a pathway over the unexplored and eternally snow-capped mountains of the then far, far West, for his countrymen to follow, and planted the flag of his Nation on the shores of the Pacific. It was a mighty thought, incomprehensible to thousands who jeered at his wisdom and laughed scornfully at his followers. They saw nothing in all this but the "extension of the slave power."

The purchase of the Territory of Louisiana by Mr. Jefferson was the great act of his life, so far as the future of his country was concerned. In his election he had defeated the New England "Federalists," the party designation given to John Adams and the strong government men, and, rankling with discomfiture, they seized the occasion of the Louisiana purchase to sound the tocsin of alarm, and raise political rebellion against his administration. And what so potent an instrument as the cry of "slavery extension"—the danger to the Northern States from the growth and power of the Slave States.

Yet the dreaded slave power, which, we are told, has so long ruled this country, has actually become a minority of States as well as of voters. Freedom has had no check, no restraint, no curtailment of its authority, but made regular and onward progress, and has spread from the western banks of the Mississippi to the shores of the Pacific. "The slave power" has neither checked its growth nor restricted its strength, but aided both. Freedom is not confined to States nor localities, but wherever our flag is planted and our laws penetrate, there it abides. Freedom is not confined to abolition societies and anti-slavery organizations, but is co-existent with our country's boundaries. So long as the guarantees of the Constitution are observed, the States do not require a balance of power of local institutions to protect each other's interests. The idea of its necessity presupposes a wrong from a co-ordinate State—an attempted interference that has treason lurking under its cover, and cannot be too severely denounced. Confusion and error must ever follow such a necessity.

So bitter were the denunciations hurled against Mr. Jefferson, so unmitigated were the representations of his "wicked and infidel acts," (for there were *Christian* politicians, also, in those days,) that some of the leading Federalists declared the Union dissolved by this "unconstitutional act,"—there being "constitutional expounders" then, as now. But Mr. Jefferson heeded not this Northern storm of indignation, which spent itself, finally, in the treasonable "Hartford Convention."

When Mr. Jefferson entered upon the duties of President, he found the mouth of the Mississippi blocked up by the occupancy of a foreign power. The settlers along both banks of the Ohio had no market, at that day, except by floating down that stream into the Mississippi and to New Orleans, then a French town, and all the country west of the Mississippi in the possession of Europeans Mr. Adams had been charged with being inimical to the country west of the Alleghany Mountains from his bartering the trade of the Mississippi for the privilege of fishing for cod at Newfoundland. Mr. Jefferson, on the other hand, having always shown a lively interest in the West, entered at once on a treaty with France for all her possessions, extending from the Gulf of Mexico to the head waters of the Mississippi, and spreading west indefinitely, covering whatever land and water belonged to France. This was, by the laws of France, all slave Territory, and, by the treaty, slavery was secured to the people thus transferred to the Government of the United States. And this was the exciting cause of New England and Federal opposition. Here opposition to any more-slave Territory took its rise, and anti-slavery politics assumed shape and form. The New England pulpits rang the changes, and New England politicians reaped the benefits of Sabbath electioneering. Negro Slavery, that was not fully expelled from the North by sale to the Southern planters, became all at once a great moral sin and an enormous political evil. Mr. Jefferson was ridiculed in doggerel, and the "Dusky Sal" rhymes may yet be found on the dusty shelves of these political puritans. But the people had caught the spirit of their great President.

leader, and were not to be prayed nor preached into the ranks of the Boston dynasty; and Mr. Jefferson was re-elected president by what might be called acclamation—the cry of "slavery," "slave-holder," "slavery extensionist" and "infidel," to the contrary notwithstanding. Then, as now, every man who supported Jefferson was irreligious, and their leader an enemy of the Bible, according to these political saints in sack-cloth.

But what a change has come over the spirit of their dreams! What a revolution has been wrought in the minds of the descendants of these ancient opposers of the Democratic party, without any reformation in their hearts. False at first, in charging Mr. Jefferson with base designs in his purchase of the very Territory where we now are, the soil on which I am writing this history, that great Statesman and far-seeing philosopher, is now put forward as the founder and foster-father of the present abolition raid upon society. This latter assault is more detrimental to his fair fame than the first, for, of all men, he was the very last to encourage, by word or deed, anything which was in the least tinged with fanaticism or treason, sectionalism or unfaithfulness to the requirements of the Constitution and of law. He held dear to his heart every reserved right of the States and the people; and he in reality knew no obligation binding upon one State which he did not hold binding upon all.

But Mr. Jefferson, we are *now* told by these modern operators in political abolitionism, was not a friend of the system of Negro Slavery. Admit it, and what has it to do with the subject? Neither were his friends necessarily such. Must I be an enemy to my country to be opposed to the same system? Must I be sectional in my feelings and politics because I am opposed to Slavery? Must I carry on a war of slander and misrepresentation against fifteen States of this Union, because I have different views upon that question? Must I oppose the extension and progress of my country and the admission of new States into this already great and powerful Union, because I find Negro Slavery existing in them? If I cannot do these things, then Jefferson could not. If Jefferson could, then we can all do the same. But Mr. Jefferson was a statesman and not a penny-a-line politician; he was a philosopher and not a fanatic; he was a Democrat and not a "Black Republican." He, unquestionably, regretted that African Slavery had ever been introduced into this country; yet he held slaves himself to the day of his death, and, in the spirit of that philanthrophy for which he was so noted, he bequeathed them to his relatives to take care of when he could no longer do it. He was anti-slavery in his reasoning, yet added a larger area of slave Territory to the country over which he so ably and successfully presided, than all the slave Territory in the limits of the Union at the time. He regretted the existence of Slavery, also, for he was not ignorant of the uses bad men would make of it, to endanger the peace and permanency of the union of these States. It was felt by all the great Southern founders of our Republic, and Washington, truly the Father of his Country, raised his voice in prophetic warning as he retired forever from the scenes of public life.

Mr. Jefferson purchased the Louisiana country not because it was Slave Territory, but because it was necessary to the settlement of the then North and Southwest. He purchased it to open the way across the great unknown prairies and mountains to the shores of a new ocean. He mapped the destinies of his country as with the pencil of inspiration, and we are this far on the road, disputing whether we have the power, while in a Territorial condition, to wipe out some of his blunders!

This purchase of Territory from France, by Mr. Jefferson, of which Kansas is a part, produced the first great anti-slavery crisis. It was the first bold showing of that sectionalism, which has become a part of some men's political existence. But the successive triumphs of the Democratic party, under the lead of Jefferson and Madison, disheartened the New England leaders and those who followed them, and the question of Slavery was mainly sunk in those of a more national character and of higher political importance; until, like a dark storm cloud, it burst with sudden fury, again upon the country, on the petition for admission into the Union, by our neighbor Missouri. The dark embers which had slumbered in the breasts of the Northern Federalists for near twenty years, were ignited as with a torch, and the second storm broke over the heads of the people, threatening to swallow up the Nation and rend the Constitution, as though it were waste paper. Reckless of every tie which bound us together as one people, these mad fanatics rushed into the political arena with clothes borrowed from every shade of political faction, the better to play their part and deceive the public mind. Though now nearly thirty years since these scenes transpired, they are fresh in the memories of thousands yet living.

Missouri presented her Constitution with a slave clause in it. She had a right to do it, yet the whole fanatical North, opposed to the Democratic party, threatened the Union with ruin and disruption, if the new State of Missouri was permitted, though sovereign like the rest, to do as she pleased! Congress must place upon her *restrictions*. The Representatives of other sovereign States assumed the ridiculous and degrading attitude of refusing to a sovereign State the advantage of the very same privilege which they themselves exercised, and which they had refused to yield up, when forming the Constitution under which the old and new States were guaranteed the same, and exactly equal powers and privileges.

After a struggle which came very near sundering the Union—that made patriots ponder in gloomy forebodings over the future—bringing from Mr. Jefferson, who was still a lingering witness on the shores of eternity, that celebrated expression of the "fire bell at night,"—the State of Missouri was admitted; but with a compromise that Slavery should not exist North of 36 degrees and 30 minutes, in the Louisiana purchase. And this for another season drove the abolition forces once more into retirement, and peace again reigned over the union of the States; not because of the satisfaction of the Northern opposition to the admission of new States, as the Constitution declares, with all the rights and privileges of the old ones, but because the factious anti-slavery fever had exhausted itself, and the people convinced that the leaders had pressed the question, as in Mr. Jefferson's time, for sheer partizan and personal purposes. The eyes of their followers were opened to the fact that treason against the Union had more to do with the question than patriotism and love of the negro.

Discomfited, overwhelmed with defeat, the leaders again retired, abandoned their destructive anti-slavery and factious organization, and Missouri has, for nearly thirty years, pursued the even tenor of her way, as one of the sovereign States of the Union. The second great crisis, growing out of this Louisiana purchase, had passed, and the country rocked, as with an earthquake, settled down in calm repose on the negro question, pushing its destiny West, Northwest and Southwest with rapid strides.

This compromise act of 1820 was the first exercise of Congress over the subject of Slavery in the Territories, and was never wholly satisfactory to any great portion of the people. It was received by thousands as a compromise of doubtful powers; but as it only ran through a country wholly uninhabited by civilization, it was acquiesced in.

In the settlement of the country North of the State of Missouri, no question arose under it, as no one ever carried slaves there, and Iowa came into the Union without the agitation of the subject.

To show how little this line of 36 degrees and 30 minutes was considered of binding force on the question of slavery, on the annexation of Texas the Northern abolitionists again rushed into the political arena, and the cry of "slavery extension" and the "slave power," was again rung on every change, and nothing prevented a purely sectional conflict, but from the fact of the Whig party, being national in its organization, and Mr. Clay being their candidate for the Presidency.

Texas laid South of 36 degrees and 30 minutes, and if the "great compromise," as it has since been called by its old enemies and new friends, meant anything, it meant, if it did not say so, that Slavery should exist South of that line. The old abolition maps which were hung up in the Northern lecture rooms, were *white* North of Mason's and Dixon's line, North of the Ohio river, North of the State of Missouri, and North of 36 degrees and 30 minutes, while all the country South was painted *black!* Thus mingling the power of the States to do as they pleased with the subject of Slavery, with the power of Congress to regulate it where States did not exist.

Following the lead of Mr. Jefferson, in the purchase of Louisiana, a Democratic administration acquired Florida, annexed Texas and added California, with all the intermediate country, to the United States; and though most glorious and noble has been their work, they have fought every inch of ground with a most pertinacous enemy, with the cry of "slave power" and "slave extentionists," "doughface" and all the other epithets recorded in the abolition vocabulary. I confess the truth, we did all this; it is the work of our own hands; we take glory for the work, and after looking upon what we have done, we do not desire to give back one acre, one rood, no, not one inch; and acquired by the treasure, the blood and the patriotism of all sections, it is not the part of Democrats now to join the enemy, and deprive any one of his full rights to its enjoyment.

That would be a most extraordinary expression of the popular will, which is given by one-half the people, after the other half is driven out or prevented coming in. Injustice nor absurdities have anything to do with the Democratic creed or with constitutional government.

After the acquisition of California and the contiguous Territory, Congress very clearly expressed the opinion of the nation, in the resolutions of 1850, as both parties adopted the substance of those resolutions, and no sectionalism entered into the campaign of '52. To fix upon a basis of Congressional action in regard to the local institutions of new Territories, was the cause of some excitement and much perplexity; but the resolutions of '50 fully conceded this right to the local authorities, and especially denied it to Congress. The storm soon blew over.

But the *third* great anti-slavery agitation was approaching, nevertheless. The Louisana purchase by Mr. Jefferson, was fruitful soil for Northern fanaticism. The time had arrived when that portion of it lying West of Missouri, must be opened to the great tide of emigration constantly moving towards the setting sun. A Territorial government must be organized preparatory to civil society and a new State. The Northern abolition feeling had, by a long experience and repeated rebuffs in their political schemes, learned that they could gain greater strength by collateral questions or issues, than by an open exposure of their designs; hence they covered up their designs of open assault upon Slavery in the States, and brought their whole machinery of fanaticism to bear upon the Territories; and from being physicians who offered *cures*, became adepts in *preventives*. They visited the healthy and administered for anticipated diseases. But our government being one of constitutional limitations and practical results, it required more than wild theories and impracticable humanitarian ideas, to keep it on the right track and within the range of its high object. It required statesmen to draft laws, and left the political fanatics to offer *Provisos*. The law was the substance, the proviso the coating—the children and silly people not being inquisitive about the ingredients of a pill, provided it is coated with sugar.

All saw the difficulty which would arise, and the Democrats stepped forth to meet the question on constitutional grounds; the abolitionists to make political capital, as usual, and at the country's expense. Being perhaps the last chance to them, of testing the power of fanaticism over the Northern public mind, and the free States having grown in power and numbers, they hit upon the expediency of abolishing the Whig party, to clear their skirts of a Southern connection, and on its ruin establish a new and perfectly sectional party, under the most reputable name they could find, not in use as a party designation. The term "Abolition" was odious and told too many tales. The word "Democrat" was out of their reach and long since appropriated. They seized upon that of "Republican," as best suited to their purposes.

After a struggle in Congress, remarkable for its pertinacity on both sides, the Democratic party succeeded in organizing Territorial governments for all the country West of the Missouri river and of the State of Missouri, to the Rocky Mountains. In the act for organization, are these words:

> "That the Constitution and all the laws of the United States, which are not locally inapplicable, shall have the same force and effect within the said Territory of Kansas, as elsewhere within the United States, except the eighth section of the Act preparatory to the admission of Missouri into the Union, approved March 6th, 1820, which, being inconsistent with the principles of non-intervention by Congress with Slavery in the States and Territories, as recognized by the legislation of 1850, commonly called the Compromise Measures, is hereby declared inoperative and void; it being the true intent and meaning of this Act, not to legislate Slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

Is there anything in the language of this to startle one-half the Nation from its propriety—break up a great and gallant party like that of the Whig organization, and on its Northern wing form a new and sectional one? Can any one find in this quotation such startling doctrines that our staunch Union must rock to and fro with factions? Is it not simple and plain in language, and in accordance with the spirit of our institutions? It denies, utterly, the power of Congress to exercise jurisdiction over the local institutions of any organized government, or dictate what they shall be when asking admission on equal footing with all the other States. It is the true Jeffersonian interpretation of the Constitution, and utterly repudiates the strong government doctrines of the old John Adams school, which found power for the exercise of every extravagant measure that might suit their fancy or their interest. This extract says nothing, does nothing, but leaves the matter just where the Constitution leaves it. It grants no power, because it repudiates the idea that Congress had any power to grant or to withhold. You claim, under this declaration in the Organic Act, the right to prohibit Slavery in the Territory of Kansas. By so doing, you mistake both the words and the meaning, and misconceive the true spirit of the text. Whatever power you possess over the question of Slavery, you would have possessed in as eminent a degree without as with this clause in the Organic Act, which we use and observe every day as our rule of action, not to find power to take away from any citizen his rights or his property, but to protect both. Every clause is full of this and nothing else. It creates executive officers as administrators of the law; it authorizes the election of a Legislature for the purpose of making laws; it establishes courts of juctice to try all questions of controversy between citizen and citizen, from breaches of the peace to the rights of property. Each department has its legitimate sphere of duty, and the Legislature can no more adjudicate breaches of the peace or the rights of property, than the Courts can enact laws. You have vast powers of legislation, I admit, greater in a Territory, generally, than in a State. Your restrictions are very few, and your general powers are enormous; it is one cause of anxiety, most frequently for a change to a State, that the wild and reckless legislation of a Territory may be confined to the stricter rules of a State Constitution. In this I sympathize with the people. But why desire a State? Because you then act in a sovereign capacity; the sovereignty is expressed in a Constitution; by that sovereignty you regulate and restrict the acts of your public servants. Sovereignty implies the restriction of power as well as its exercise; its right to act is inherent in itself; it knows no master and has no arbiter. This is the condition of a State, as opposed to a Territory; one is created, the other creates itself. The Legislature of a State can only exercise the functions granted; the Legislature of a Territory exercises such powers as are not prohibited. It can abolish all legal relations between man and wife; it can abolish all laws for the collection of debts; it can abolish the Sabbath day, or prohibit the holding of Sunday-schools; it can repeal all laws in relation to contracts between man and man; it can refuse to provide for the punishment of a crime or protection of virtue; and were it not for our courts of justice, which it cannot abolish, it might transfer one man's farm to the occupancy of another, as well as all other property, and nothing but its want of complete sovereignty checks its ability in the exercise of power. That it lacks; and that renders the Bill before me mischievous, in engendering litigation, which is the very worst species of legislation that can inflict a people. Sovereignty does not reside in Legislatures; it resides in the people; and their sovereign acts must precede legislative bodies. And here, I presume, is the rock on which you have split. If sovereignty resided in Legislatures, then, indeed, no one would dare to dispute your sovereign acts. But in this great essential you are deficient, and hence the embarrassment under which you labor in completing your round of "all legislation." You can pass laws regulating the condition of master and slave, or you can repeal such laws, or refuse to pass them, but you lack the sovereignty necessary to create a slave, or wrest him from his owner. That is an exercise of power which clear, undisputed sovereignty alone can exercise; and it must be done by the sovereign himself, in convention assembled. In that capacity you adopted a clause in your Constitution, at Wyandott, declaring that Slavery should never exist in the State of Kansas. No one is silly enough to dispute that right; and had you declared it should exist in the State of Kansas, the right was equally clear, and none ever disputed it but the old John Adams school of strong constructionists and illegitimate Republicanism, of royal and imperial dictation over the States, of intermeddling by constitutional constructions, and deranging the order of things generally. You might as well expect to preserve the lives and machinery of a railroad train, at forty miles speed, by running it off the track, as to preserve the Union of these Sovereign States outside of the true construction of the Constitution. We found, in early times, New England threatening a dissolution of the Union because a *true* construction had been put upon this instrument, and to her own equal advantage. How much more likely then will others be to do the same thing from *false* constructions, made to work them an injury. It is folly to make a question out of an inevitable consequence.

But you say that the Act also repealed the "Compromise Act of 1820." That compromise was a nullity when adopted. It was outside of Constitutional power when made. It was a *compromise* with error, done to save the Union for the time being, from the assaults of fanaticism. It admitted Missouri, without restrictions on her sovereign rights, but placed the restrictions, if of any binding force, upon others not a party to the compromise—those who might grow up and become sovereign *with restrictions* (?) It never was satisfactory to a great portion of the people. It was virtually ignored by the resolutions of 1850, with Mr. Clay's advocacy and advice—it was declared inoperative by the Kansas Nebraska Act of 1854; and totally washed out in the Dred Scott Decision of the Supreme Court of the United States. It was the declaration of the Kansas Nebraska Act, that the line of 36 degrees and and 30 minutes was "inoperative" that gave that Act its greatest importance. It corrected errors of the past and opened up the future to the true doctrine of Congress in regard to the Territories.

The ancient enemy of the Democracy was terribly shocked, or pretended to be, at this act, and, to make an issue, they met at Philadelphia, in a convention represented by one half the States, and fell back on the doctrine of power in the General Government. The members that composed the treasonable Hartford Convention could not have done worse in the way of royal assumptions, and Congressional specifics, to cure evils of which they seemed to know little, and, perhaps, cared less. They

> "RESOLVED, That the Constitution confers upon Congress sovereign power over the Territories of the United States for their government, and that in the exercise of this power, it is both the right and duty of Congress to prohibit in the Territories, those twin relics of barbarism—polygamy and slavery."

This is a most extraordinary *resolve*, and if believed in by the political majority in your House, I cannot see how, without stultification, you assumed the right to exercise this *sovereign* power in a Territory! But this is not for me to be the judge. It is to be hoped that no one believes in this resolution now, if they ever did. What *sovereignty* does Congress possess over Slavery or anything else, in the Territories or in the States? Congress possesses no sovereignty, exercises no sovereign power. Its powers are all *delegated*—all clearly written and defined. Congress is much more a *subject* than a sovereign. It was created by sovereign States for specific purposes. Sovereignty in this country, is in the people, and is exercised by States or the people of the States. It is a monstrous stretch, even of the "general welfare" doctrine, to claim that Congress is sovereign for any purpose. It has not one particle of the element of sovereignty in its organization, as extensive as its granted powers may be. It is neither sovereign "by the grace of God," nor by the grace of the people. Even what may be called inherent powers are not sovereign powers, but arise from *necessity*, and are restricted to that necessity.

Neither are Territories sovereign, because sovereignty can only exist in the States and in the people. And until the people of a Territory exercise the rights of sovereignty, in the only way possible, that of a co-equal State, the sovereignty is quiescent, inactive and powerless.

The Bill before me, therefore, loses its operative force, because it emanates from a body that has not the essentials necessary to carry it into effect. My approval would not add one feather to its weight, for I am as deficient in sovereignty, either in my own person or in my representative capacity, as yourselves. And not willing to place myself before the world with false assumptions of power. I feel grateful for the opportunity given me to place my opinions upon paper, against my approval of this Bill.

It was the dispute about whether the general government possessed the attributes of sovereignty, that led to the original division of the people into the Democratic and Federal parties. The Federal party saw plainly that they stood in need of something more than the letter of the Constitution, to sustain their monarchial advances, and hence they sought, very naturally, for sovereignty in the government, that they were weilding themselves, instead of in the States and the people thereof. They well knew, if they could locate sovereignty in the government, their political fortunes were made, and by its exercise they could push their dangerous theories to an unlimited extent. The British Constitution, if such it can be called, was their model; and they had the same contemptuous feeling for a pure, simple and impartial Democratic construction of our system of government then, as their successors exhibit to-day. Guided by no rule but that of seeking after power, it was not unusual, then as now, for them to fly from the extreme doctrines of a consolidated government, to the wild and heretical theories of the anarchist. While gathering head on their strong government doctrines they lose strength; but in rushing back into wild and impracticable theories, they carry off many Democrats into their ranks, who, for the time being, persuade themselves that their old political enemies have come to them, and their friends have deserted them.

Failing to succeed in establishing sovereignty in Congress, they rush upon the still more extravagant idea of exercising it in the Legislatures of the Territories, before the people of the Territories have exercised it themselves. Always on extremes, never right, new party designations are continually sought, the better to hide the confusion of sentiment. New leaders are put up, and the latest arrival from the Democratic party into their heterogenous household, is considered the lost sheep over which to hold their pious orgies, and put at the head of their political church.

Sovereignty, then, being neither in Congress, where it was never put nor intended to be, nor in the Legislature of a Territory, where it has never been exercised by the constituents, is the reason why owners of slaves as well as owners of everything else, can go into Territories, and remain, or go out again without losing their right of ownership, as they would do by going into a State where sovereignty had been exercised, and any particular species of property or ownership had been prohibited.

A man crossing a State line into a Territory does not lose his sovereignty, unless he loses his senses first. He is just as much a sovereign afterwards as before, but as he has not exercised, nor imprinted it upon the organization of his new home, it is in reserve, to be used in the mode prescribed by the Constitution of the Union, and the laws passed in accordance with that Constitution. If the people of a Territory possessed sovereignty outside of the Constitution of the Union, then Territories would indeed be as foreign powers to the States, could enter into alliances with other foreign powers, and establish independent governments for themselves, which could only be regained by conquest.

Courts of justice do not sit to adjudicate soveregnty, but to protect it from encroachment by Legislative bodies, who not unfrequently attempt to seize upon it by enacting laws that sovereignty had reserved to itself in written Constitutions. Courts pronounce such enactments "unconstitutional," and void for want of power in the Legislative Department. Hence the declaration in the Organic Act "subject to the Constitution of the United States." This declaration clearly defines that Congress contemplated no authoritative grant to the Legislature, not subject to the Constitution of the United States. Congress may direct, regulate or define the powers of the Constitution of the United States, so as to make them operative on a new Territory, but they can add nothing to, nor take anything from those powers. Hence Congress has in various ways established governments for Territories, by extending Executive, Legislative or Judicial authority over them, to subserve the purposes of civil society and of government, antecedent to the exercise of sovereignty, in due form, by the inhabitants thereof. There is no doubt that Congress has the right to judge of the form and manner of the exercise of such government, which may differ in many essentials, as we have seen in the past history of the country, and may see in the future, if our acquisitions continue, but in all and every instance subject to the Constitution of the United States.

There is a misapprehension of terms, in saying that the Constitution of the United States carries slavery into Territories, or any kind of property. The Constitution only protects property when carried there, and all contracts, obligations and agreements between man and man. It is not a respecter of persons or property, but operates with equal force upon all, and in the absence of the exercise of sovereignty in such Territory, it is authoritative in the protection of all. A Constitution is protective, not creative. A Territorial Legislature might refuse to pass laws to punish horsethieves, yet my horse is as much mine as before, and would still be mine if stolen, and I would have a right to sell him, if I could get a purchaser.

The Constitution of the United States extends over all the persons and property of the country and far out into the sea. It knows no distinctions and cannot know any. Sorghum, quite a new thing in Kansas, and unknown to the country when the Constitution was adopted, is just as much property as Indian Corn. It is most remarkable that it never suggested itself to any one to pass a local law declaring Sorghum property, and securing it to the possession of the holder, so as to make it theft to steal it.

The whole question is simply this: In the States the people have exercised the sovereignty that is in them, and expressed it in a Constitution. The States and the people of the States, in their separate and distinct organizations, created a general government, to which they imparted very extensive powers, as a protection for the whole, giving strength in time of war, and economy in time of peace; while Territories, neither being governed by a sovereign, nor having exercised the sovereignty which is in them, are very much like a boy between eighteen and twenty-one years of age. He is mustered into the militia on the one hand like a man, and yet is under the control of a parent on the other. His time is employed in answering the commands of both, yet in no period of his life does he care less for either, provided he can have his own way, and he takes it very often to the annoyance of both. At twenty-one, he feels the responsibility of taking care of himself.

Hundreds, and I may say thousands, for these and other reasons will not live under the restrictions of a State Constitution, but will follow the Territories as long as there are any to follow.

The Bill before me, which is in these words:

> "SEC. 1. That Slavery or involuntary servitude, except for the punishment of crime, whereof the party shall have been duly convicted, is and shall be forever prohibited in this Territory.
>
> "SEC. 2. This Act shall take effect and be in force from and after its passage."

—would indicate that you are sensible of the doubtful powers you were exercising, for you unite no penalty to its provisions. You merely enact into a law, the provisions in the Wyandott Constitution. It is merely declaratory. You give no notice to the owner of the slave—you take "snap judgment" on him; but are careful to impose no penalty if he should laugh at your sudden interference, and pursue the even tenor of his way. The very delicacy with which you touch the subject, shows the doubts you hold as to the propriety of your act, and leads to the conclusion that it is largely mixed up with party politics. To meet all these phases of the subject, I hastily prepared this paper, so that it might be satisfactory as possible, and leave nothing in doubt as to my views, in returning the Bill. Brief as my time has been, and absent from any library or books for reference, I have been compelled to rely upon memory for facts and dates, but am persuaded that they are, in the main, correct.

S. MEDARY.

Mr. Colton moved that the veto message of the Governor be postponed, printed and made the special order of 7 o'clock this evening.

Carried.

Mr. Parks moved to reconsider the vote by which the message was made the special order of 7 o'clock, P. M.

Mr. Colton moved to lay the motion upon the table.

Carried.

Mr. Wood offered the following resolution:

Resolved, That when we adjourn, at the afternoon session this afternoon, it shall be until 7 o'clock this evening.

The yeas and nays being demanded upon the adoption of the resolution, the result was as follows:

Yeas—20. Nays—11.

Yeas, Messrs. Bartlett, Chandler, Cave, Elliott, Jones, Knowles, Lynde, Lindsay, McMath. Morton, Nelson, Pierce, Robertson, Rankin, Shively, Scott, Sopris, Whitehead, Wood and Mr. Speaker.

Nays, Messrs. Brown, Blake, Brooks, Cornwell, Dutton, Lombard, Murphy, Parks, Reynolds, Sims, Vanderslice and Wagstaff.

So the resolution was adopted.

Mr. Shively, from the Committee on Claims, reported the following:

The Committee on Claims, to whom was referred House Bill No. 284, have had the same under consideration, and recommend its indefinite postponement.

Also, Council Bill No 87, and recommend its passage.

H. SHIVELY, Chairman.

Mr. Brooks, from the Committee on Incorporations, submitted the following report:

The Committee on Corporations, having had under consideration House Bill No. 399, entitled "An Act amendatory of an Act incorporating the Iowa Point Steam and Ferry Company," report the same and recommend its passage without amendment.

The Committee on Incorporations and Banking, having had under consideration House Bill No. 289, entitled "An Act to incorporate the Walnut Bridge Company," report the same and recommend its passage, with the following amendments, to wit:

Strike out "Sec. 4," and insert the following:

"Sec. 4. The rates of toll in crossing said bridge, shall be fixed and regulated by the tribunal transacting county business in the county where said bridge is located."

The Committee have also had under consideration House Bill No. 178, entitled "An Act to incorporate the De Soto Ferry," report the same and recommend its indefinite postponement.

The Committee have examined House Bills Nos. 318, 367, 376, 369, 322, 332; 356, 319, 389; Council Bills 113, 115, 102, 116, and 99, and recommend their passage without amendment.

On behalf of the Committee.

P. R. BROOKS, Chairman.

On motion of Mr. Parks, Council Bill No. 120, "An Act relating to Townships and Township Officers," was taken up.

Mr. Parks moved that the Bill be read a third time and put upon its final passage.

Mr. Nelson moved to amend by referring the Bill to the Committee of the whole House.

Carried.

Mr. Scott in the Chair.

After some time spent in Committee of the Whole,

The Committee arose and through their chairman submitted the following report, which was agreed to:

Mr. Speaker:—The Committee of the whole House, having had under consideration Council Bill No. 120, instruct me to report that they have stricken out all after the enacting clause, and insert "House Bill No. 353," and recommend the passage of the same.

The Bill was then read a third time, and

Passed.

The title was agreed to.

Mr. Lynde, from the Committee on County Lines, submitted the following report:

Mr. Speaker:—The Committee on County Seats and County Lines, to whom was referred Council Bill No. 145, "An Act to change and establish the northern and southern boundaries of the county of Lykins," beg leave to report the same back, and recommend its indefinite postponement.

Also, the Committee on County Seats and County Lines, to whom was referred House Bills No. 24 and 210, on the subject of organizing two new counties, ask leave to report a substitute to both Bills, and recommend its passage.

The Committee on County Seats and County Lines, to whom was referred House Bill No. 408, "An Act to provide for the permanent location of the county seat of Bourbon county," ask leave to report the same back, and recommend its passage.

The Committee on County Seats and County Lines, to whom was referred House Bill No. 77, "An Act creating and organizing the county of Neosho," have had the same under consideration, and report it back, with amendments, for the consideration of the House.
E. LYNDE, Chairman.

Mr. Bartlett, from the Committee on Mail Routes, submitted a report, and moved that it be laid on the table and printed.

Carried.

[For accurate copy of this Report, see close of this day's proceedings.—PRINTER.]

Message from the Council:

MR. SPEAKER:—The Council direct me to notify the House that they have passed House Bill No. 21, "An Act to facilitate the settlement of estates of deceased partners."

House Bill No. 41, "An Act changing the lines of Chase county."

House Bill No. 228, "An Act to regulate voluntary assignments."

House Bill No. 350, "An Act to charter a ferry across the Smoky Hill river," without amendment.

Council Bill No. 164, "An Act to incorporate the Leavenworth City and San Francisco Railroad Company."

Council Bill No. 175, "Relating to sales of Real Property."

Council Bill No. 182, "An Act to incorporate the Prairie City Seminary," and ask your concurrence.

Also, that the Council adhere to their amendments to House Bill No. 170, "An Act extending the time for the payment of Taxes in Leavenworth county," and also further amend by striking out in section 2, "June," and inserting "April."
JOHN J. INGALLS, Secretary.

On motion of Mr. Sims, the report of the Committee on County Lines, in reference to the county lines of Johnson, Lykins and Linn counties, was taken up.

Mr. Sims moved that the report of the Committee be agreed to.

Upon which Mr. Cave demanded the previous question, which was sustained.

The question being upon the motion to agree to the report of the Committee, The yeas and nays were ordered.

Yeas—17. Nays—16.

Yeas, Messrs. Brooks, Chandler, Cornwell, Cave, Elliott, Heath, Jones, Knowles, Lindsay, Robertson, Steward, Sims, Shively, Vanderslice, Whitehead and Mr. Speaker.

Nays, Messrs. Brown, Blake, Bartlett, Canniff, Fitzpatrick, Lombard, Murphy, McMath, Morton, Pierce, Reynolds, Rankin, Sheldon, Scott, Sopris and Wood.

So the report was agreed to.

Mr. Rankin, from the Committee on Roads and Highways, submitted the following report:

MR. SPEAKER:—The Committee on Roads and Highways, having had under consideration House Bill No 394, report the same back to the House and recommend its passage.

W. RANKIN, Chairman.

On motion of Mr. Morton,

House adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

Mr. Brown moved a call of the House, which was ordered, and the Sergeant-at-Arms directed to bring in absentees.

Absent members, Messrs Chandler, Lynde, Shively, Murphy, Pierce and Noel.

The Sergeant-at-Arms returned with Mr. Pierce, and,

On motion of Mr. Wood, further proceeding under the call were dispensed with.

The following communication was received and read from the Clerk's desk

HON. G. A. COLTON,

Speaker of the House of Representatives:

SIR:—I have received from Washington a request to send to the Chairman of the Committee on Territories a statement, certified by the Governor and Secretary of the Territory, of,

First. The votes for and against the proposition to form a State Government.

Second, The votes polled for the members of the Wyandott Constitutional Convention.

Third, The result of the vote on its adoption.

Fourth. The votes for the officers elected under the Constitution, giving the number of votes for each candidate for Governor.

As I have no power to procure any of these votes, I submit the matter to the House, over which you preside, for such action as it may see fit to take.

Yours very respectfully,

J. M. WINCHELL.

LAWRENCE, February 20, 1860.

Mr. Scott offered the following resolutions:

Resolved, That the Governor and Secretary of the Territory be requested to furnish this House with a certified statement of, First, Of the votes cast for and against the proposition to form a State Government. Second, Of the votes polled for members of the Wyandott Constitutional Convention. Third, Of the vote upon its ratification. Fourth. Of the votes cast for officers under the said Constitution, together with the votes of each election.

Resolved, That the Secretary of the Territory be authorized to employ such clerks as may be necessary, in order that such statement may be made without delay.

Mr. Parks moved to strike out the words "Sergeant-at-Arms," in the resolution, and insert "the Secretary of the Territory."

Carried.

The resolution, as amended, was adopted.

Council Bill No. 145, "An Act to change and establish the north and south boundaries of the county of Lykins," was taken up.

Mr. Cornwell moved that the Bill be indefinitely postponed.

Mr. Rankin demanded the previous question, which was not sustained.

The question recurring upon the motion to indefinitely postpone the Bill,

Mr. Sims demanded the previous question, which was sustained,

The yeas and nays being demanded, upon the motion to indefinitely postpone the Bill, the result was as follows:

Yeas—25. Nays—10.

Yeas, Messrs. Brown, Cornwell, Cave, Dutton, Elliott, Heath, Jones, Knowles, Lombard, Lindsay, Murphy, Noel, Nelson, Parks, Robertson, Rankin, Steward, Sims, Scott, Sopris, Vanderslice, Whitehead, Wagstaff and Mr. Speaker.

Nays, Messrs. Blake, Bartlett, Brooks, Canniff, Fitzpatrick, McMath, Morton, Pierce, Shively, Sheldon and Wood.

So the motion to indefinitely postpone the Bill prevailed.

Mr. Jones moved to reconsider the vote.

Mr. Sims moved to indefinitely postpone the motion to reconsider the vote by which the Bill was indefinitely postponed.

Carried.

Mr. Bartlett offered the following resolution, which was adopted:

Resolved, By the House, the Council concurring therein, that a Committee of two on the part of the House, and one on the part of the Council, be appointed to report some feasible plan of immediate distribution of such laws, passed at this session, as are of a general nature, and take effect from their passage.

The Chair appointed as said Committee Mr. Bartlett and Mr. Parks.

House Bill No. 252, "An Act making Appropriations for the year 1859," was taken up.

Bill read a first time, and

On motion of Mr. Nelson, was laid on the table and ordered to be printed.

Mr. Sheldon asked leave to withdraw all petitions relating to the county lines of Osage and Shawnee counties.

Leave was granted.

Council Bill No. 128, "An Act relating to Townships and Township Officers," was taken up.

Mr. Wood offered the following, as an addition to the 1st section:

Provided, That in those counties having but one Township, the County Board of Commissioners may order such additional number of Justices of the Peace and Constables, as they may deem necessary.

Adopted.

Mr. Nelson moved to strike out in first and second lines, the words "be commissioners of highways;" and also, in second and third lines, strike out the words "they shall lay off townships into road districts, and appoint supervisors of the same;" also, the words "commissioners of highways, and," in last line of printed Bill.

Carried.

Mr. Sims offered the following, as an additional section, which was adopted:

Add another section, as follows: "Sec. 12. The justices and constables now holding offices, shall hold their offices until their successors, under this Act, are elected and qualified."

The Bill having been read a third time, was

Passed.

The title was agreed to.

Mr. Colton offered the following resolution, which was adopted:

Resolved, That Horace Pardee, Esq., be invited to a seat within the bar of the House.

The report of the Claim Commissioners was received and read by the Clerk.

[For accurate copy of this Report, see the Majority Report of the Committee appointed to investigate Accounts of Claim Commissioners, on a subsequent page.—PRINTER.]

Mr. Parks moved that the report be laid on the table.

Carried.

House Bill No. 138, "An Act to amend an Act entitled 'An Act defining the Judicial Districts of the Territory,'" was taken up.

On motion of Mr. Wood, the Bill was laid on the table.

House Bill No. 108, an Act entitled "An Act to amend an Act entitled 'An Act regulating the Jurisdiction and Procedure before Justices of the Peace and the duties of Constables in Civil Cases,'" was taken up.

Mr. Brown moved that the second section be stricken out.

Carried.

The Bill having been read a third time, was

Passed.

The title was agreed to.

Mr. Wood introduced House Bill No. 415, "An Act to amend 'An Act therein named."

Read first time.

Rules suspended

Read a second time, and

Referred to Committee on Judiciary.

Mr. Nelson introduced House Bill No. 416, "An Act to facilitate the Pursuit of Happiness."

Read first time.

Rules suspended.

Read second time, and

Referred to Committee on Vice and Immorality.

Mr. Wood introduced House Bill No. 417, "An Act divorcing Jane Pine and William Pine."

Read first time.

Rules suspended.

Read second time, and

Referred to Committee on Judiciary.

Special Committee introduced House Bill No. 418, "An Act to amend an Act entitled 'An Act to charter and establish a Ferry at the city of Elwood, and for revising and repealing all former charters and parts of charters relating to such Ferry, approved February 7th, 1859;'" also, "An Act to amend an Act entitled 'An Act to establish a Ferry at the city of Elwood, and for revising and repealing all former charters and parts of charters relating to such Ferry, approved February 7th, 1859.'"

Read a third time and

Passed.

The title was agreed to.

Mr. Blake introduced House Bill No. 419, "An Act to repeal all Acts confirming Banking powers and privileges."

Read first time.

Rules suspended.

Read second time, and

Laid on the table and ordered to be printed.

The Committee on County Lines introduced House Bill No. 420, "An Act to provide for the organization of the counties of Republic, Shirley and Wade."

Read first time.

Reported as a substitute to House Bills No. 24 and 210.

Mr. Bartlett introduced House Bill No. 421, "An Act supplemental to an Act entitled 'An Act to incorporate the Central Overland California and Pike's Peak Express Company.' "

Read first time.

Rules suspended.

Read second time, and

Referred to Special Committee.

Messrs. Bartlett, Chandler and Murphy, Committee.

Mr. Brooks introduced House Bill No. 422, "An Act to incorporate the Lawrence Gas Light Company."

Read first time.

Rules suspended.

Bill read a second time, and

Referred to Committee on Corporations.

Mr. Whitehead introduced House Bill No. 423, "An Act to incorporate the Brooklyn Town Company."

Read first time.

Rules suspended.

Read second time, and

Referred to Committee on Corporations.

House Bill No. 302, "An Act to amend an Act entitled 'An Act regulating the jurisdiction and procedure before Justices of the Peace, and of the duties of Constables in Civil Cases,' " was taken up.

Mr. Sims moved that the report of the Committee be disagreed to.

Carried.

Mr. Sims offered the following resolution:

Resolved, That the House will enter, to-morrow morning, on the examination of the question concerning the supposed indebtedness of the Territory, arising from the awards of the Commissioners of Claims, under the Act of 7th February, 1859, entitled "An Act to provide for adjustment and payment of Claims," and also, the Act supplementary thereto, approved 11th of said month; and the House will proceed with such examination until some final action of the House is had; and during such examination, no member directly interested in any Bonds, Scrip, Warrant or Certificate, paid under the Act aforesaid, shall vote on any question involving the validity, legality or value of such Bonds, Scrip, Warrant or certificate, unless he wish to vote against his own interest in the question.

Mr. Wood moved a call of the House.

The call was ordered and the Sergeant-at-Arms directed to bring in absentees.

Absent members, Messrs. Blake, Chandler, Dutton, Lynde, Morton, Steward and Wright.

Mr. Brown moved that further proceedings under the call be dispensed with.

Carried.

Mr. Wood in the chair.

Mr. Heath moved to lay the resolution upon the table.

Yeas and nays ordered.

Yeas—17. Nays—17.

Yeas, Messrs. Bartlett, Brooks, Chandler, Canniff, Cave, Dutton, Heath, Jones, Knowles, Lindsay, McMath, Morton, Pierce, Rankin, Shively, Sheldon and Wood.

Nays, Messrs. Brown, Blake, Cornwell, Elliott, Fitzpatrick, Lombard, Murphy, Noel, Nelson, Robertson, Reynolds, Steward, Sims, Scott, Vanderslice, Whitehead and Wagstaff.

Mr. Sopris was excused from voting.

There being a tie vote, the Speaker declared that the motion to lay upon the table was lost.

The question recurring upon the adoption of the resolution,

Mr. Nelson demanded the previous question, which was sustained,

Mr. Sims demanded the yeas and nays upon the adoption of the first proposition stated in the resolution.

Yeas—32. Nays—2.

Yeas, Messrs. Brown, Blake, Bartlett, Chandler, Canniff, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lombard, Lindsay, Murphy, McMath, Noel, Nelson, Pierce, Robertson, Steward, Sims, Shively, Sheldon, Scott, Vanderslice, Whitehead, Wagstaff, Wood and Mr. Speaker.

Nays, Messrs. Brooks and Rankin.

So the first proposition was adopted.

The question recurring upon the adoption of the second proposition,

The yeas and nays were ordered.

Yeas—15. Nays—20.

Yeas, Messrs. Brown, Blake, Chandler, Cornwell, Elliott, Fitzpatrick, Jones, Lombard, Noel, Nelson, Reynolds, Sims, Vanderslice, Whitehead and Wagstaff.

Nays, Messrs. Bartlett, Brooks, Canniff, Cave, Dutton, Heath, Knowles, Lindsay, Murphy, McMath, Morton, Pierce, Robertson, Rankin, Steward, Shively, Sheldon, Scott, Wood and Mr. Speaker.

So the second proposition was lost.

The following communication was received from the Secretary of the Territory and read by the clerk:

SECRETARY'S OFFICE, Kansas Territory,
February 20, 1851

To the Speaker of the House of Representatives, Kansas Territory:

SIR—In reply to the resolution of the House calling upon the

Governor and Secretary to furnish a certified statement of the vote cast upon the Proposition to form a State Government, and the respective votes polled for members of the Constitutional Convention, the ratification of the Constitution and for officers under said Constitution, I have to reply that the House will perceive, upon examination of Chapter 31, page 292, Laws of 1859, that no duty devolves upon the Secretary of the Territory by its provisions, and that the papers are entirely with the Governor, to whom the returns were to be made by the law.

I am, Sir, very respectfully,
Your ob't serv't,
HUGH S. WALSH,
Secretary of Kansas Territory.

Mr. Dutton, from a Special Committee appointed to examine accounts of Claim Commissioners, submitted a report.

MAJORITY REPORT.

Mr. Speaker:—We, the majority of the Committee appointed to "investigate and ascertain by what authority warrants have been drawn upon the Treasurer and Bonds issued in payment of the awards of the Claim Commissioners, and also, to report whether the Commissioners have complied with the law, and if not, in what particular," beg leave to report that in accordance with our instructions, we summoned the said Claim Commissioners, the Territorial Auditor, Treasurer, Secretary and Governor before the Committee; that, in response to inquiries, they made full statements of their connection with said awards and bonds. That the statement of said Commissioners is hereto attached, marked "A;" that the statement of the Auditor is hereto attached, marked "B;" that the statement of the Treasurer is hereto attached, marked "C;" That the statement of the Secretary is hereto attached, marked "D;" That the statement of the Governor is hereto attached, marked "E."

That we believe the above statements contain everything of any interest upon the subject submitted to the inquiries of the Committee, which we respectfully submit for the consideration of the House. We are of the opinion that no further Legislation is needed on the subject; that we believe the payment of these claims, by the General Government, would be an act of justice to the early pioneers to Kansas, who suffered during the unfortunate troubles in '55 and '56. That any action on our part, at this time, would have a tendency to discredit these claims and prevent their payment by the General Government, whilst it could do no good to the Territory. We therefore recommend the passage of the following resolution:

Resolved, That Congress be requested to appropriate the sum of five hundred thousand dollars, or five hundred thousand acres of land, for the payment of the claims awarded by the Commissioners, appointed under the Acts approved February 7th, 1859 and February 11th, 1859, for the property taken or destroyed, and damages resulting therefrom, during the disorder which prevailed in Kansas from November 1st. 1855 till December 1st, 1856.

S. N. WOOD,
H. R. DUTTON. } Committee.

STATEMENT "A."

To Messrs. WOOD, DUTTON & FITZPATRICK, House Committee, &c.

The undersigned, Commissioners under the Act passed February 7, 1859, entitled "An Act for the Adjustment and Payment of Claims," respectfully state, in answer to the resolution of inquiry, passed by the House of Representatives, and now (Feb. 17, 1860,) submitted to us for the first time: That we have complied with the provisions of the Act therein referred to, in all our action so far as perfected, and have now ready for your inspection, the books, papers, records and documents appertaining to said commission.

Pursuant to the requirements of the Act, we duly organized the commission, published instructions to claimants, received petitions and investigated claims, and made awards according to the evidence adduced, a full statement of which proceedings and awards was made to the Wyandott Constitutional Convention, signed by all the Commissioners and Hon. Wm. McKay, Territorial Attorney, on the 12th day of July last, a copy of which is herewith submitted; to which is added a statement of our proceedings and awards upon the petitions and claims, filed and prosecuted subsequent to that time, and "on or before the 1st day of September, 1859," when we closed all proceedings, except such as were necessary to complete the business and cases initiated, and prepare our books and papers for filing, and the completion of our report to the Legislature.

So far as the two Acts of the Legislature are concerned, original and supplementary, no conflict of opinion could arise as to our duties as Commissioners, and we have therefore endeavored to comply with the requirements of both; have executed the penal bonds required by the supplement, recognized and had the aid and assistance of the Territorial Attorney, and he signed and approved our report to the Constitutional Convention.

We should have made our final report to the present Legislature before now, had it not been for the following reasons: First, The confusion, uncertainty and doubts existing among the members of the Legislature, in regard to their regularity in adjourning to Lawrence, and consequent legality as a Legislative Body, as evinced by the adjournment of the

Legislature, *sine die*, without accomplishing anything, whereby the first annual session passed by prematurely. Inasmuch as all the Commissioners were at Lawrence during a portion of such then doubtful session, for the purpose of reporting to the Legislature, we think we may be reasonably excused for entertaining doubts as to the propriety of making such report at that time. Second, The records have not been fully completed on account of the difficulty of obtaining the services of suitable clerks and copyists for the amount and kind of compensation authorized by the Act; the financial condition of the Territory being such, that the scrip issued was not sufficiently available to pay the board of employees, much less afford a compensation for their services. We beg leave to add, in this connection, that our own compensation, as Commissioners, has been hardly sufficient to defray our necessary cash expenses, much less afford us compensation for our services. Third, No particular time is specified in the law as to when the records, testimony, &c., shall be filed in the office of the Secretary of the Territory. We think a reasonable construction of the Act, would give us at least during the *real* annual session of the Legislature (for such the present session substantially is,) to make our report to the Legislature, as well as sufficient time, considering the amount and kind of pay authorized by the law, to have executed the manual labor connected with the business and necessary to be done to insure a proper understanding and appreciation of the labors of the Commissioners. We shall be obliged to retain the records and documents a few days longer, or file them in an incomplete condition. Fourth, One of the Commissioners has been present, in Lawrence or Lecompton, during the whole of the present session, ready to give any information desired by the Legislature, at any time, and engaged in perfecting the records, accounts, &c., of the commission. Fifth, By agreement, a day was fixed upon by the Commissioners to submit their final report to the Legislature, but owing to the serious illness and confinement at his home, of one of the Commissioners, during the past three weeks, the matter has been necessarily postponed from day to day.

In order that the character and bearing of the Supplemental Act may be readily understood, and its non-applicability in some of its provisions to the Act of February 7, 1859, entitled "An Act to provide for the Adjustment and Payment of Claims," may be perceived by this Legislature, we herewith submit a copy of the Bill entitled "An Act to provide for the Payment of Claims," which originated in the House of Representatives of 1859, and was pending when the Supplemental Bill was submitted, but which never passed or became a law. It will be seen that the language, sections and references of the Supplemental Act were evidently framed to apply to the Act that did *not pass*, instead of the one under which the principal proceedings relating to the commission have been conducted.

Dated Lawrence, K. T.,
February 17, 1860.

EDWARD HOOGLAND,
HENRY J. ADAMS,
SAM'L. A. KINGMAN.

AN ACT

To provide for the Payment of Claims.

WHEREAS, Many citizens of this Territory have sustained loss and damage in consequence of, or growing out of the political and sectional difficulties that have taken place in this Territory since its organization, and which difficulties have resulted from the action of Congress, in devolving upon the people of Kansas an experiment in self-government, without having made suitable provision for the preservation of the public peace and the protection of individual rights; and

WHEREAS, The attention of Congress has been officially called to said losses, in the hope that the just demands of the sufferers would have been recognized and liquidated, but thus far without effect; therefore

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That three commissioners shall be appointed as follows: One by the Council, one by the House of Representatives and one by the Governor of the Territory, whose duty it shall be to audit and certify all claims of all and every person or persons who may present the same for consideration, for all moneys actually and necessarily expended or damages and losses incurred for the purpose of maintaining and carrying into effect the laws of this Territory, or for the purpose of suppressing any rebellion or insurrection, or in sustaining the lawful militia, or any posse of the marshal, or of any sheriff of any county of this Territory, when *lawfully* engaged in the maintenance and carrying into effect the laws of this Territory, or of the United States within this Territory. And said commissioners shall, also, audit and certify the claims of all persons who may have sustained any loss or damage in consequence of or growing out of the difficulties in this Territory, by way of loss of property or consequent expenses, at any time after the passage of the Act to organize this Territory and before the first day of January, 1857.

SEC. 2. The said commissioners shall have power to fix the times and places when and where their sessions shall be held, and may adjourn from time to time, at their discretion. The presence of two of said commissioners shall constitute a quorum for the transaction of business. Said commissioners shall prescribe and publish such rules and regulations concerning the taking of proofs, as they may deem expedient. They shall have power to send for persons and papers, may preserve order, issue subpœnas, and enforce the attendance of witnesses in the same manner and with the like effect as the District Courts; *Provided,* That the parties seeking to prove up their claims shall pay officers' and witness' fees in the same manner as required by law in suits in said District Courts.

SEC. 3. Before entering upon the discharge of their duties, said commissioners shall respectively take and subscribe an oath to support the Constitution of the United States, and the provisions of the Act organizing the Territories of Nebraska and Kansas, and that they will faithfully discharge the duties enjoined by this Act; which said oath shall be filed with the Secretary of the Territory.

SEC. 4. It shall be lawful for said commissioners to receive and examine as evidence, the proofs heretofore taken by the commissioner appointed under the "Act to provide for the auditing of claims," approved February 23, 1857; and they may adopt or reject the same or any of them, in whole or in part, as the very right of the case may seem to require. And, at their discretion, said commissioners may summon the claimants under said proofs, and investigate any or either of their demands, and examine witnesses for and against such claim.

Sec. 5. Said commissioners may appoint a clerk, whose duty it shall be to keep a true and proper record of the proceedings had before the commissioners, preserve all proofs, testimony and papers filed in relation to claims, and perform such other acts pertaining to his office as the commissioners may direct. He shall be allowed for his services three dollars per day, to be certified by said commissioners.

Sec. 6. The compensation of said commissioners shall be four dollars per day, for every day they or either of them may be actually engaged in the discharge of duties under this Act, and five cents per mile for every mile necessarily traveled in the discharge of duties herein provided for, and their actual expenditures for stationery, postage and room rent in the discharge of their official duties under this Act, shall be certified by them, and audited by the proper accounting officer of the Territory, and a warrant drawn therefor on the Territorial Treasury. And warrants shall, in like manner, be drawn for said commissioners and their clerk, for such sums as may become due to them from time to time for their services.

Sec. 7. The provisions of this Act shall only apply to citizens of this Territory, and to those who were citizens at the time of the losses, damages and expenditures sought to be proven. Executors and administrators shall be permitted to offer proofs in behalf of deceased persons.

Sec. 8. Authority is hereby given to said commissioners, jointly or severally, to administer oaths connected with the duties herein provided; and any person who shall swear falsely on any such investigation, whether a claimant or witness, shall be deemed guilty of perjury.

Sec. 9. On or before the first day of September next, said commissioners shall close their sessions and proceedings under this Act, and make up and file, in duplicate, in the offices of the Secretary of the Territory and the Territorial Auditor, a statement of all claims presented and of the amounts awarded to the claimants, and they shall likewise file in the office of the said Secretary, all vouchers, proofs, papers and documents presented for their action or consideration. And upon the completion of proofs and the recording of the decision or award, they shall, upon demand, deliver to the claimant a certificate of any such decision or award.

Sec. 10. Upon the delivery of any such certificate of award to the Governor, it shall be his duty to execute and deliver to the owner thereof, a certificate under his hand and the seal of the Territory, and countersigned by the Secretary of the Territory, to the purport, substance and effect, as follows: "This is to certify that A. B. has proven a claim, and been duly awarded thereon the sum of —— dollars, under the provisions of (this Act.) And the Territory of Kansas hereby promises to provide for the payment of the same, with six per cent. per annum interest, in five years from this date, unless Congress shall, before that time, make an appropriation for the payment of the claims specified in and proven under said Act."

Sec. 11. That it shall be the duty of the Constitutional Convention, hereafter to be assembled, to make suitable provision for securing the redemption and payment of said certificates by Congress, in land or money, by incorporating, in the Ordinance to be submitted, an article or proviso to that effect, or such other provision as may be deemed advisable.

Sec. 12. This Act shall take effect immediately.

REPORT

OF EDWARD HOOGLAND, H. J. ADAMS and S. A. KINGMAN, Commissioners of Claims, under Act of Feb. 7, 1859.

To the Convention to frame a Constitution and State Government for the State of Kansas:

Pursuant to the provisions of the Act of the Territorial Legislature, approved Feb. 7, 1859, entitled "An Act to provide for the Adjustment and Payment of Claims," the undersigned Commissioners, duly appointed under said Act, respectfully report as follows:

That in view of the unfortunate circumstances that had attended the organization of the Territorial Government, the destruction of property that had taken place during the internecine war, and the excited state of public feeling arising from losses and outrages that the people of the Territory complained of, Governor Geary, in his Message, dated January 12, 1857, used the following language:

"In traveling through the Territory, I have discovered great anxiety in relation to the damages sustained during the past civil disturbances, and everywhere the question has been asked as to whom they should look for indemnity. These injuries—burning houses, plundering fields and stealing horses and other property—have been a fruitful source of irritation and trouble, and have impoverished many good citizens. They cannot be considered as springing from purely local causes, and as such, the subjects of Territorial redress. Their exciting cause has been outside of this Territory, and the agents in their perpetration, have been the citizens of every State in the Union. It has been a species of national warfare, waged upon the soil of Kansas, and it should not be forgotten that both parties were composed of men rushing here from various sections of the Union; that both committed acts which no law can justify, and the peaceable citizens of Kansas have been the victims. In adjusting the question of damages, it appears proper that a broad and comprehensive view of the subject should be taken; and I have accordingly suggested to the General Government the propriety of recommending to Congress the passage of an Act providing for the appointment of a commissioner to take testimony and report to Congress for final action, at as early a day as possible."

Thereupon an Act was passed by the Legislature, and approved February 23d, 1859, authorizing the appointment of a Commissioner "to audit and certify claims," in accordance with the provisions therein specified. Hon. Hiram J. Strickler, who had served as Adjutant General of the Territorial Militia, under the laws of 1856, and was presumed to have a full knowledge of the late condition and events of the Territory, was appointed such Commissioner. Pursuant to said Act, General Strickler proceeded to the discharge of the duties specified, and published a notice containing the following paragraphs, and commenced taking testimony Sept. 1, 1857:

"NOTICE TO CLAIMANTS.—Whereas, under the provisions of an 'An Act to provide for the auditing of claims,' and the Act supplemental thereto, both passed and approved February 23d, 1857, the undersigned has been appointed Commissioner 'to audit and certify all claims of all and every person or persons who may present the same for consideration' for

"1. (*Public.*) Moneys actually and necessarily expended for the purpose of maintaining and carrying into effect the laws of this Territory, or for the purpose of suppressing any rebellion or insurrection, whether in sustaining the militia or any posse of the Marshal, or any Sheriff of any county of the Territory.

"2. (*Private.*) Claims of all persons who may have sustained any loss or damage in consequence of, or growing out of the difficulties in this Territory, by way of loss of property or consequent expenses, at any time since the passage of the Act to organize this Territory, viz: May 31st, 1854. The said Act provides for the taking of testimony in support of all such claims, collection and certification of vouchers, and making a true and correct statement in duplicate of all such accounts—one to be laid before the next Congress of the United States, and the other before the next Legislative Assembly of Kansas Territory, to the end that proper and united efforts may be made to obtain from Congress compensation and idemnity for the losses, expenses and damages incurred by the citizens of this Territory, without distinction of party."

The paragraph contained in Governor Geary's Message was the foundation for the presentation of a Bill in Congress by Gen. Whitfield, in January 1857, designed to secure an appropriation for the objects specified; but the prevailing excitement in regard to Kansas affairs prevented final action upon it at that session.

During the session of Congress in March, 1858, Gen. Strickler forwarded to Washington, for presentation, his report and the testimony taken, as required by the said Act of February 23, 1857. The Territorial Delegate, Hon. M. J. Parrott, had the matter referred, and at the same session presented a Bill in relation to the losses sustained by the people of Kansas, the provisions of which he believed would meet the views and wishes of his constituents. The unsettled condition of Kansas affairs and the continued troubles in the southern portion of the Territory, were regarded as sufficient excuses for the committee to refrain from making a practical report.

In January, 1858, General Strickler reported to the Legislature in regard to his proceeding. Upon that report no action was had. The Legislature of 1858 was the first in which the people of Kansas had had control. Upon the old issues of "Free-state" and "Pro-slavery," party feeling continued excited. Owing to the position which a large portion of the Free-state settlers had previously assumed, antagonistic to a voluntary recognition of the laws passed by the Legislature of 1855, it was well known that many sufferers had not presented their claims, which would mostly range under the "private class;" while on the other hand, the amounts proven by and allowed to individuals for contributions and expenses sustained, under the head of "public class," were of a character that the Free-state men in that Legislature did not feel themselves bound to aid in obtaining compensation for. The whole subject, consequently, was again passed by without Legislative action.

At the late session of the Legislature, 1859, Governor Medary presented Gen. Strickler's report in full. The report was printed, from which it appears that on 357 claims presented, he awarded on the private class, $254,279 25; public class, $38,942 90. His report contained the names of claimants and the amounts awarded, but furnished no clue to the nature of the claims, except by a perusal of the actual testimony taken in each case. Hundreds of claimants throughout the Territory, without distinction of party, had already made known their views in regard to the incompleteness of the report, (not through any intentional neglect on the part of Gen. Strickler, but for reasons already referred to,) and the Legislature deemed it expedient to act upon, and present the matter to Congress in a spirit of harmony and conciliation—entirely divested of all party feeling and regardless of personal animosities. The following circular, which was the result of the joint action of a committee, composed of representatives of all parties and interests, was laid before the Legislature and its contents favorably received by that body:

"INDEMNITY TO KANSAS SUFFERERS."

"In another column will be found the Bill presented by Mr. Clark, 'to provide for the payment of claims,' of sufferers by the Kansas difficulties, to which we invite the attention of our readers. It presents a feasible plan for arriving at a correct and just estimate of the losses, and proposes a mode of relief which is worthy of calm consideration. The Bill, perhaps, is not perfect, and at first glance without explanations, may not be received as favorable in all respects, as circumstances require, and the interests involved would warrant; but it can readily be amended so as to answer the object designed, without necessarily opening the door to a class of claims against which the feelings of the mass of the people of the Territory naturally revolt.

"For some time past the subject has been under consideration by several gentlemen who were appointed a committee on behalf of the sufferers, without distinction of party, and they have corresponded with various members of Congress and through them virtually ascertained the views and feelings of the Government, concerning the claims as a matter of just indemnity. From the information obtained, it is evident that no Congressional action thereon can be had at the present session, for the following reasons: 1st. Because of the early expiration of the term, and the pressure of general business. 2d. The claims are not yet collected together in such a shape as to warrant their presentation. 3d. The Secretary of the Treasury opposes the introduction of any matter having a tendency to deplete and [illegible] the public treasury under present circumstances. 4th. The Administration members of Congress are opposed to having the subject presented in any form that may revive former discussions on Kansas affairs.

"It is known that Mr. Buchanan has, in private conversation, expressed himself favorable to a proper indemnity to individuals, provided the Government can have the claims presented in such a form that the Territory stands as voucher and sponsor for the reality and justness of the several demands; and that awards to be made, on the auditing of claims, according to some general rule equally applicable to men of all parties, or by a tribunal fairly constituted and representing the several interests and views of the political parties involved. Many members of both Houses of Congress coincide in these views, but they will never consent to the appointment of a roving commission with power to come to Kansas and hear and redress grievances *ad libitum*. The whole subject must be compressed in a nutshell, and so presented as not only to avoid discussion but to secure the support of men of all parties. The next House of Representatives will, probably, be opposition—the Senate Democratic. Whatever measure of indemnity is proposed, must have such fair and harmonious antecedents in the Territory, that Representatives of both parties may be called upon to stand together in rendering justice to their friends or fellow-partisans in the Territory. Unless a liberal policy be pursued—all parties unite in their efforts here—success in Congress will be very doubtful.

"The Bill proposed looks to the general government for indemnity for losses sustained by a great number of our citizens, on the general principle that a government is bound to protect the rights, persons and property of its subjects in return for the fulfillment of the duties of loyalty, obedience, support and contributions which the latter are compelled to yield. The duties of the government and the governed are reciprocal. By a surrender of a portion of his natural rights on becoming an integral part of civil society, man virtually places himself and property at the control of the government, and is entitled to protection of his individual rights. This doctrine was recognized in the Roman civil law, became a portion of the common and statute law of England, was specially declared in the "Code Napoleon," and has long received the sanction and hearty approval of the people of our own country. When the government has neglected or been unable to protect the people of different localities in their lawful rights, or the latter have been damnified through the action, non-action or neglect of the government, indemnity has been given repeatedly, as the claims of and allowances made to California, Oregon, Washington Territory, Florida and several of the States, for Indian depredations and otherwise, will show. The repeal of the Missouri Compromise revived the excitement and called to activity all the elements of strife, which had portended serious difficulty in 1820. Statesmen readily understood what might be apprehended as a natural result of the measure. However proper in itself might be the wiping out of a merely geographical line, as incompatible with the equality and unity of the States in political rights, the opening of our Territory to settlement under circumstances and in a manner calculated to invite either sectional interests, which, it was evident, would contend with each other for supremacy, was an experiment in self-government, and an evidence of reliance upon the patriotism and intelligence of the people, highly complimentary to the latter, but dangerous in its character. The government failed to perform its full duty by enforcing the principles of equal and exact justice and protection to all interests alike social and political. These, emigrants from all sections of the Union had a right to expect: these, the government was bound to maintain. The result we have all [illegible] the Representatives of sectional interests [illegible] misrepresentations and frauds unparalleled in history, induced the adoption of a policy on the part of the Administration, the real foundation of which, as well as its results, is now properly appreciated, and its injustice admitted by both instigators and instruments. The sooner amends are made by the general government, the sooner will peace, prosperity and justice prevail in our Territory. The moral as well as legal responsibility of the government for the losses sustained, cannot be denied or repudiated.

"The Bill now proposed, authorizes the issue of certificates on awards made, upon the expectation that a Congressional appropriation will redeem them. This can be secured in the form proposed, by incorporating it in the Ordinance of the Constitution. The Territory owes it to its citizens to protect, and as far as possible, secure their rights. The success of this Bill will carry joy to the hearts of many a worthy household. The certificates, whether in the shape proposed, or included in a funded debt, will be available and afford pecuniary relief to many."

Our people had been, for so long a time, working at cross purposes against each other; the interests of the bona fide settlers had been so often made the football of politicians and partizans; the development of the material interests of the Territory had been so greatly retarded, the local difficulties arising out of the slavery question, directly or indirectly, had so often caused the shedding of blood; the passions of a considerable body of the people in certain portions of the Territory where suffering from the loss and destruction of property in 1856 then existed, had been so aroused, that the Legislature regarded it as the primary step towards peace and prosperity to allay political asperities by an act of justice, that would respect the views and secure the rights of all, regardless of party proclivities. The unity of action thus proposed by gentlemen of all political parties, was regarded and hailed as a favorable omen, and one that could not fail to have a beneficial effect upon the future of our Territory. The fact that most of the losses were sustained by bona fide settlers, men of families, men who came here to make Kansas their home, presuming that they might here enjoy the same liberty of thought and speech and the same protection to what they understood and believed to be their rights of property, as in the States from which they came, was no longer a matter of doubt. It had been demonstrated to the satisfaction of all, that most of the outrages complained of had been perpetrated and property taken and destroyed by a class of irresponsible and reckless desperadoes, drawn hither through the excitement and appliances of a political campaign and the intervention of parties and partizans outside of the Territory; that many of these desperadoes who came here were governed by self-interest instead of political principles, and that they, to a great extent, participated in the warfare, some on one side and some on the other—in fact, *that outside intervention in Territorial affairs, contrary to the wishes and interests of the real settlers of Kansas,* caused and continued the prolonged strife. But for such intervention on either side, the real settlers would soon have settled their political differences in a legal and peaceable manner, provided the General Government had afforded them the protection and "fair play" guaranteed them by the Constitution. Time and the ballot-box were all that were necessary to demonstrate and establish whatever the people of Kansas might deem for their best interests.

With a patriotism and disinterestedness that could not fail to secure public approval, party approval was buried, and the Act of February 7, 1859, was passed and approved by the Governor.

AN ACT

To Provide for the Payment and Adjustment of Claims.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Section 1. That three Commissioners shall be appointed as follows: One by the Legislative Council, one by the House of Representatives, and one by the Governor of the Territory, whose duty it shall be to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder which prevailed in this Territory from November 1st, 1855, to December 1, 1856.

Sec. 2. Said Commissioners shall have power to fix the times and places when and where their sessions shall be held, and may adjourn from time to time and from place to place, at their discretion. The presence of two of said Commissioners shall constitute a quorum for the transaction of business. Said Commissioners shall prescribe and publish such rules and regulations concerning the taking of testimony as they may deem expedient, not conflicting with the laws of the Territory. They shall have power to send for persons and papers, to preserve order, issue subpœnas, and enforce the attendance of witnesses, in the same manner, and with like effect, as the District Courts: *Provided*, That parties seeking to prove their claims shall pay officers and witness fees in the same manner as required by law in suits in said District Court.

Sec. 3. Before entering upon the discharge of their duties, said Commissioners and their officers, shall each take and subscribe an oath before some competent officer, to support the Constitution of the United States, and the provisions of the Act organizing the Territory of Kansas, and that they will faithfully and impartially perform the duties enjoined by this Act, which oath shall be filed with the Secretary of the Territory.

Sec. 4. Said Commissioners may appoint one or more clerks, whose duty it shall be to keep a true and proper record of the proceedings before the Commissioners, preserve all papers and testimony filed in relation to claims, and perform such other acts pertaining to that office as the Commissioners may direct. They shall be allowed for their services four dollars per day, and ten cents for every mile necessarily traveled.

Sec. 5. The compensation of said Commissioners shall be five dollars per day each, for every day actually engaged in the discharge of the duties imposed by this Act, and ten cents per mile for every mile necessarily traveled in the discharge of said duties; and their actual expenditures for stationery, postage and room rent shall be certified by them and audited by the Auditor of the Territory, and warrants drawn therefor on the Territorial Treasurer. Warrants shall, in like manner, be drawn for said Commissioners and their clerk or clerks, for such sums as may become due to them from time to time for their services.

Sec. 6. Authority is hereby given to said Commissioners to fill any vacancy that may occur in their number by death, resignation or otherwise, and to administer oaths connected with the duties herein specified. And any person who shall swear falsely on any such investigation, whether a claimant or witness, shall be deemed guilty of perjury.

Sec. 7. It shall be the duty of said Commissioners to receive and examine the evidence heretofore obtained by the Commissioners appointed under the "Act to provide for the auditing of Claims," approved February 23, 1857, and they may adopt or reject the same or any part thereof, as shall to them seem just and right.

Sec. 8. The provisions of this act shall only apply to citizens of this Territory, and those who were citizens at the time of the losses and damages sought to be proven. Executors and administrators shall be permitted to prosecute claims in behalf of deceased persons.

Sec. 9. Said Commissioners may appoint a Sergeant-at-Arms, whose duty it shall be to serve all processes issued by the Commissioners, and who shall receive the same fees and mileage as are by law allowed for like services in the District Courts of the Territory, to be paid by the claimant.

Sec. 10. Upon the completion of the testimony and the recording of the awards in each case, the Commissioners shall, upon demand of the claimant, deliver to him a certificate of such decision or award. And, on or before the first day of September, 1859, said Commissioners shall close their proceedings under this act, and make up and file, in duplicate, in the office of the Secretary and in the office of the Auditor of the Territory, a statement of all claims presented, and the amount, if any, allowed thereon; and they shall likewise file in the office of the Secretary of the Territory, all testimony, vouchers, papers, and documents pertaining to their investigations.

Sec. 11. It shall be the duty of the Auditor of the Territory, upon the delivery to him of any certificate of award given by said Commissioners, to draw his warrants on the Treasurer of the Territory in such sums as may be required, for the amount therein named, in favor of the party to whom such award has been made, or to his order, and deliver the same on demand.

Sec. 12. It shall be the duty of any Constitutional Convention hereafter to assemble, to make suitable provisions for securing the payment of said Warrant by the Federal Government, by incorporating in the ordinance, to be submitted with the Constitution formed, a provision to that effect.

Sec. 13. Nothing in this Act shall be so construed as to authorize the payment of the warrants issued, in accordance with its provisions, before the first day of January, 1865, unless provisions shall be made for funding these warrants with the other indebtedness of the Territory, or unless Congress shall sooner make provisions for their payment; but said warrants shall bear interest at the rate of six per cent. per annum.

Sec. 14. This Act shall be in force from and after its passage.

Approved February 7, 1859.

S. MEDARY,
Governor of Kansas Territory.

AN ACT

Supplementary to an Act entitled "An Act to provide for the Payment of Claims."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Section 1. That the Commissioners appointed under and by virtue of the Act of which this is a supplement, before entering upon their respective duties, shall enter into bonds to the Territory of Kansas, in the sum of ten thousand dollars each, with good and sufficient security, to be approved by some one of the Judges of the Supreme Court of said Territory, conditional upon the faithful discharge of their respective duties, and shall take and subscribe an oath before a judge of said court, to support the Constitution of the United States, and the Organic Act of this Territory, and to faithfully and impartially discharge their respective duties.

Sec. 2. There shall be elected, on joint ballot of both branches of the Legislative Assembly, some suitable Attorney, whose duty it shall be to attend the said Commissioners, and the said Attorney shall take an oath for the faithful discharge of the duties of said office, with power to subpœna witnesses and attend to all business wherein the Territory is interested, for the purpose of securing an honest and faithful investigation of any and all claims which may be presented for trial before said Commissioners.

Sec. 3. That said Attorney, so appointed, shall have such sum allowed him for his services, as will be provided by law.

Sec. 4. It shall be the duty of said Commissioners to make out and report, on the first Tuesday of July next, to the Constitutional Convention, the first day of its meeting at Wyandott, a complete report of their actions, which said report shall be signed by said Commissioners and countersigned by the Attorney appointed for and on behalf of said Territory, and shall report all the claims presented before said Commissioners for allowance, also, all the claims by them allowed and all proceedings by them had upon the same, to the next annual session of the Legislature of this Territory.

Sec. 5. That the said Commissioners are hereby prohibited from issuing any Territorial scrip or bonds.

Sec. 6. That the certificates issued by the Governor, in pursuance of the tenth section of the Act to which this is supplemental, shall not be construed as binding the Territory for the payment of said claims, until the same shall be fully authorized by subsequent legislation on the part of the Territory.

Sec. 7. This Act to be in force from and after its passage.

We must be excused for using party terms in an official report, but the peculiar circumstances involved in Kansas politics, are of such a character, and the position of affairs is so complicated, that we confess that the points necessary to be eliminated for a proper understanding of the subject cannot otherwise be arrived at, except by a course of circumlocution now quite unnecessary.

Under the provisions of said Act, the Governor appointed Edward Hoogland, the Council elected Henry J. Adams, and the House of Representatives elected Samuel A. Kingman, as Commissioners. The object aimed at in distributing the selection in that manner, was to divest the Board of a partisan character by combining therein representatives of the different phases of Territorial politics.

Under the Supplementary Act, Hon. William McKay was, on joint ballot of both Houses, duly elected Territorial Attorney, in regard to said claims, who has been with us, and discharged the duties specified.

The organization of the Board of Commissioners was effected at Leavenworth City on the 21st day of February last, and ever since that date we have all been constantly engaged in the discharge of the duties devolved upon us by said Act. Respecting the good faith implied by the action of the Legislature, and in order to avoid even the appearance of party precedence, the selection of a Chairman or President of the Board was dispensed with.

On organizing, we adopted and published throughout the Territory, for a long time, the following Rules and Regulations:

KANSAS SUFFERERS—NOTICE TO CLAIMANTS.

WHEREAS, Under the provisions of "An Act to provide for the Adjustment and Payment of Claims," approved Feb. 7, 1859, the undersigned have been duly appointed Commissioners "to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder which prevailed from November 1st, 1855, to December 1st, 1856." The said Act provides for the taking of testimony in support or opposition to all such claims; the preservation of all such testimony and accompanying vouchers; and that duplicate copies be made thereof, for the purpose of presenting such claims, in a tangible form, to the Congress of the United States for payment, in connection with the ordinance to accompany the Constitution under which Kansas may apply for admission into the Union.

To the end that proper and united efforts may be made to obtain from Congress compensation and indemnity for the losses and damages sustained by the citizens of this Territory without distinction of party, notice is hereby given that the undersigned Commissioners, as aforesaid, will hold sessions, and receive and act upon claims and proofs under said act, according to the following

RULES AND REGULATIONS.

1. All persons claiming the benefit of said Act, will do so by sworn petition in writing, reciting in each case all the facts, circumstances and dates upon which the claim is founded, and present the bills of items or other vouchers duly authorized.

2. All claims or amounts presented, must be supported by the fullest proof possible to be obtained. The highest legal evidence available will be required.

3. All property claimed for as taken or destroyed, must be described with reasonable certainty, and the value thereof particularized and stated.

4. The testimony of two disinterested witnesses, upon a material point or statement of facts, will be received as sufficient *prima facie* evidence.

5. In case of the absence of material witnesses from the Territory, either Commissioner will, upon application, issue a suitable commission for the taking of necessary testimony.

6. Access will be granted, upon application, to any evidence in possession of the Commissioners, or heretofore filed with Commissioner Strickler.

7. All applications for indemnity or claims for losses must be made anew to the present Board without delay.

8. The Act applies only to citizens of the Territory and those who were citizens at the time the losses and damages sought to be proven, accrued.

9. The claims specified in the Act are those arising from the taking and destruction of property—*not for services or voluntary contributions.*

10. Executors and Administrators have the right to claim on behalf of deceased persons.

11. The petition and vouchers can be filed with the Central Clerk, Caleb S. Pratt, Lawrence, or with either of the Commissioners.

12. Each petition and accompanying vouchers will be forthwith examined by the Commissioners severally, for information, and then delivered to the Attorney for the Territory.

13. Public sessions of the Commissioners will be held at Leavenworth, Lawrence, Osawatomie, Tecumseh and Fort Scott, (and perhaps in other localities where the interests of the Territory or the convenience of parties may require) at times hereafter to be designated.

14. The Commissioners desire as early information as possible *of all claims intended to be presented.* Such information, giving the names and residences of applicants and their witnesses may be communicated by letter to the Central Clerk, or either of the Commissioners, *in advance of the filing of the petition.* This is necessary in order that the Board may be prepared as early as practicable to estimate the amount and locality of the business to be disposed of.

15. All petitions and applications will be submitted to the Attorney, on the part of the Territory, (Judge McKay) as soon as practicable, for examination; and upon his suggestion, parties will be required to produce before the Board, in public session, such witnesses as he or either of the Commissioners may desire to examine further. Parties will be duly notified of the time and place, when opposing testimony to any of their claims will be produced and heard.

16. As a general rule the personal attendance of witnesses, whose testimony may accompany petitions, will be required by the Board at a public session, for public examination or cross-examination, in relation to the facts set forth in such petitions.

17. Subpoenas will be issued, on application of parties, to compel the attendance of witnesses—claimants paying officers' fees for serving.

18. A final hearing may be had upon any petition, at any public session, where the claimant may be in attendance with his witnesses—provided such petition shall have been filed ten days before such hearing is demanded; but such ten days may be waived by the Territorial Attorney or either two of the Commissioners.

19. Awards will be made as soon as practicable after final hearing.

20. The first public session of the Board will be held at the Johnson House in Lawrence, on the first Monday of March next, and continue from day to day as long as business may present or render advisable.

21. When petitions or accompanying affidavits are sworn to before a justice of peace, the County Clerk's certificate and seal should be attached.

The Act above mentioned is broad in its provisions, and designed to benefit, without distinction of party, all bona fide citizens of the Territory who sustained losses within the period specified. All such are requested to come forward as soon as possible and present just and honest statements of their losses, and unite their efforts in accomplishing the object in view, by enabling the undersigned to present a complete, full, fair and impartial statement of the losses and damages that have been entailed upon the citizens of Kansas by the political and social questions devolved by Congress upon them for settlement.

Dated LEAVENWORTH CITY, K. T.,
February, 21, 1859.

EDWARD HOOGLAND,
HENRY J. ADAMS, Comm'rs of Claims.
S. A. KINGMAN.

Accordingly, sessions have been held in all the counties where the number of claimants warranted; and by advertisements from time to time, and personal exertions, every possible facility has been afforded to the sufferers to present their claims and produce their testimony, with as little trouble and expense to them as possible.

Since the date mentioned, (February 21, 1859,) we have received petitions and taken testimony in 463 cases. Awards have been made to 417 claims, amounting to $412,978.03. Eighteen claims stand suspended for want of proof. Two cases have been withdrawn, and 26 claimants have been wholly rejected as inadmissible. The total amount of suspended claims is $25,97[illegible]2, probably two-thirds of which will be properly established.

Amount of crops destroyed, $37,349.64; number of buildings burned and destroyed, 78; horses taken or destroyed, 368; cattle taken or destroyed, 533. Amount of property owned by pro-slavery men, $[illegible]7,198.99; property owned by free-state men, $3[illegible]5,779.04. Property taken or destroyed by pro-slavery men, $318,718.63. Property taken or destroyed by free state men, $94,529.40. For particulars of names of claimants, amounts awarded, and the principal items of said claims, we respectfully refer to the Tabular Statement hereto annexed, as a part of our report, and marked "A." Of the 357 claims audited by the former Commissioner, 196 have been presented to us for adjustment, and the action thereon will be found in the said statement. Doubtless nearly all the remainder are abandoned by the parties, or were originally presented by persons who have since removed from the Territory. We know, however, that there are quite a number of just and meritorious claims, which either are not submitted, or, according to the rules by which we have been governed, could not be admitted under the present law. We think $50,000, in addition to the awards made, will be sufficient, with close inspection, to discharge all such demands, that would probably be presented by actual citizens of Kansas.

It is hardly necessary for us to allude to the extent and character of our labors. The result is before you, and to the testimony taken in support of the claims we earnestly invite your attention. The cases are all ready for your inspection. In all cases we have required the fullest and most satisfactory evidence that could be obtained, and have made no award unless we believed it warranted by the proof and the language, spirit and intent of the Act of Feb. 7, 1859, under which we were acting.

We will not enlarge upon the character and bearing of the testimony on file. Many historical facts and incidents, as well as details, which were for a long time regarded as party or individual secrets, are developed and distinctly put upon the record.

The future historian will find in the testimony taken, reliable statements by the actors or eye-witnesses of many interesting and important events, which have heretofore assumed more or less prominence in the public mind, and the particulars of which have been incidentally and necessarily drawn out in the progress of our investigations. Without assuming to direct, advise or control the language or character of any of the revelations made, we have permitted witnesses to tell their stories in their own way, on either side; and, irrespective of the "complimentary" terms in which some of the petitions speak of the respective parties in 1856, we have regarded their ebullitions of feeling as the natural result of the wrongs suffered, the murders committed, the driving off from their claims of defenseless women and children, the sacking of towns, the burning of dwellings, the destruction of crops, the plundering of households, the stealing of horses and cattle, and other unlawful acts, and not attempted to check their expressions; for men of both parties, and their families, had the same complaints to make against those whom they believed to have been their enemies. But the excesses committed by those claiming partisanship in the war on one side, bear little equality with those charged on the other, so far as the proofs are before us.

It is an admitted fact, that in the early stage of the difficulties, an invasion and assumption of the rights of the actual, bona fide settlers of Kansas, (claiming legality through the official certificates of Governor Reeder,) led to resistance against what was regarded by the majority as tyrannical and unconstitutional enactments, which had for their ultimate object the establishment of an institution not consonant with the views and wishes of such majority, and brought the latter into collision with the existing Territorial authorities. The federal government recognized and sustained the Legislative authority on record. The ballot box, violated on one hand and rejected on the other, and the malcontents forced into a *prima facie* illegal and factious position, it is not to be wondered at that misconceptions of facts prevailed abroad, or that violence, bloodshed and carnage ensued. An assailing force was introduced from abroad to sustain the laws. Resistance took organization for defense. A compromise was effected, but it proved only an armistice to recruit forces. Both parties because exasperated. Sympathizers and adventurers from North and South rushed into the Territory, some as emigrants, others as armed regiments. May, 1856, witnessed an assault upon a city by an armed force, using artillery; the assailants alleging, and many believing, that they acted under authority of the United States Marshal or the Territorial laws. A mutual guerrilla warfare ensued. Bands of armed men possessed and scoured the Territory from May till September. All law was abolished. Settlers who participated least, and discountenanced the preceedings, suffered the most loss. A relentless plundering and warfare was kept up in many localities. Robberies were not always confined to political opponents. Hundreds of families were plundered, and other hundreds were compelled to leave their homes and seek safety in flight, abandoning their all. The roads were possessed and guarded by guerrillas. The mails were stopped and robbed. Communication with the Northern and Eastern States was principally cut off. The United States troops interposed for the establishment of law and order. In August, hundreds of armed men came in from Iowa and Nebraska, and actively took the field, according to their sympathies. Alleged guerrilla parties were by them attacked and dispersed. Again a neighboring State interfered. A defenseless town was attacked and entirely burned. Sept. 1st, the largest city in the Territory witnessed the expulsion of many of her citizens, the sacrifice of her property and the shedding of blood. Desperation and revenge induced more active retaliation. Again a neighboring State intervened, and an army of 2,800 men was organized, and marched forty miles into the Territory, to expel or exterminate opponents. Governor Geary, by diplomacy, diverted them from their purpose. They were disbanded, and retired from the Territory, committing murders, robberies and outrages. But the Governor finally restored peace. Soon after the Governor's proclamation against armed bands was published, hundreds of adventurers retired from the Territory in the directions whence they came, taking with them the results of their expeditions. These facts are in evidence in many cases now on file before us.

From all our investigation, we are confident that the entire loss and destruction of property during the warfare, from Nov. 1, 1855, till Dec. 1, 1856, including the fitting out of the several armed expeditions, and the private losses incurred on both sides, could not have been less than two millions of dollars, ($2,000,000.) We believe that at least one-half of that amount was directly sustained by and fell upon actual citizens of Kansas—the bona fide settlers. This opinion is formed: 1st. From the amount of losses *claimed* before us, (and which we have no doubt were actual losses and expenses to the individuals, but a large proportion of which we could not allow under the Act of Feb. 7, 1859.) 2d. From the amounts proven up before the former Commissioners and which have not been presented to us for adjustment. 3d. From the number of settlers who were driven away from the Territory and have never returned, being spirit-broken and discouraged by the scenes of 1856.

Although not within our province, we may be excused for stating, that from the most reliable information that we have been able to gather, by the secret warfare of the guerrilla system, and in well known encounters, the number of lives sacrificed in Kansas during the period mentioned probably exceeded rather than fell short of two hundred. Many affairs in which life was sacrificed (on either side) were kept secret; and the particulars are only known to the participants. The guerillas, from motives of policy, seldom made known the result of their operations. But the number of missing persons, and the letters of inquiry for individuals, addressed so frequently from all parts of the Union to citizens of Kansas, have a meaning and significance not to be mistaken.

That the excitement in the Eastern and Southern States in 1856, was instigated and kept up by garbled and exaggerated accounts of Kansas affairs, published in the Eastern and Southern newspapers, is true, most true; but the half of what was done by either party was never chronicled! Is it then to be wondered at, that hundreds of honest and peaceable settlers, who deemed the outrages and robberies perpetrated upon them to have been aimed at them individually, on account of their political, but really unobtruded sentiments, should feel a dangerous degree of bitterness toward those who had deprived them of the comforts of life and blasted their early prospects in the Territory? May we not look at the revelations now made, in a philosophical light, and by presenting to the country, in the most practical shape, well established facts and their results, contribute our mite to the science of political economy and public policy? The facts stated, develope the dangerous tendencies that still exist, to a great extent in the public mind, and must convince the most skeptical that real peace, friendship, cordiality and neighborly sympathy will never have full sway over the hearts of the aggrieved, so long as their wrongs and sufferings remain unredressed. The old fires are liable to be relighted at any moment. Old antipathies will over-ride all political issues, however important. In many instances, however, Free-state men have voluntarily come up and testified to important facts in favor of Pro-slavery men, and Pro-slavery men have done the like for their former opponents; in others, political or sectional difficulties have been candidly explained and mutually traced to their origin, without prejudice to the honor or principles of either partisan; and in others again, men have risen above the mere demands of party strife and party influences, and sought to promote the future welfare and aggrandizement of the Territory, shoulder to shoulder, by securing as far as possible, indemnity to those who were the victims of circumstances that the people of the Territory could not control but which the General Government was in honor and duty bound to protect them against, by maintaining inviolate the purity of the ballot-box on one side and the right of property on the other. To such men, whether in Congress, or in the private abode of a squatter—whether in the Legislative

Hall or a Constitutional Convention, the candid judgment of the people of a growing and prosperous State will in due time do justice.

The movement in regard to obtaining from the General Government a just indemnity to the sufferers, is not a party movement. It is founded on justice; it is equitable; it is due to the people; it is due to those who participated in the struggle of 1856, in defence of their honest convictions; it is an important step towards obtaining a demonstration of the natural justice and generosity of the American character, and is proposed and urged at a time when a combination of circumstances leaves no doubt of its success, as the more satisfactory condition of affair in the Territory during the present year demonstrates that truth and justice are no longer overruled by misrepresentations and fraud.

To the following extracts from the late Commissioner's Report submitted to Congress, March 1858, we invite attention as showing the light in which the subject has been and is yet viewed by the representatives of the Administration, and adducing strong reasons for relying upon the General Government for that indemnity to which the sufferers are justly entitled:

> "It cannot be denied, that from the commencement of the agitation relative to the organization and opening of the Indian Territory, it was foreseen by statesmen and politicians, in all parts of the Union, that a great principle was to be settled, that public excitement would arise, and that consequences dangerous to the peace and welfare of the Union might result from attempting to blend together the principles and interests of people from different portions of the Union, who were alike ignorant of the true social condition and views of each other, and equally prejudiced by education and political associations, against what one or the other regarded as inherent and inalienable rights.
>
> The Kansas-Nebraska Act, in effect, destroyed all compromises, and virtually acknowledged the right of the people of the South to carry their peculiar institutions and property to the extreme North; while it equally sanctioned the right of the people of the North to emigrate to territory south of 36 deg. 30 min., and there establish their views and policy, if numerically superior to those who affiliate in sentiment and action with the people of the Southern States. Kansas, from its salubrity of climate, fertility of soil, commercial advantages, geographical position, and mineral and agricultural wealth, as well as its location near the old compromise line was at once regarded by all parts of the Union, as the decisive spot where the principles referred to were to be definitely settled and the future progress or prohibition of the institution determined.
>
> The issue was made—the trial has been had—the verdict of the people has been rendered, and it becomes the duty of all good citizens, without distinction of party, peaceably to submit to the decision of the majority.
>
> The agitation consequent upon the trial, is about to terminate. The majority of the people, in the formation of a State government, will doubtless express and enforce their own views.
>
> While it is a matter of great congratulation that the great issue, with its trials, dangers, losses and difficulties, has thus been brought to a termination, the General Government, as the representative and agent of all the

States, owes to the people of Kansas, to the pioneers, to the settlers, the champions of public opinion in the States from which they came, a debt of gratitude. The United States opened the Territory for settlement under the peculiar circumstances—emigration was stimulated, an ultra political element full of prejudice and sectionalism, which had long disturbed the country, was here brought into the practical issues of life, aggravated by outside interference on the one side and a total failure upon the part of the "federal arm" on the other, to preserve the peace, maintain order, and protect the person and property of loyal and peaceable citizens from the outrages of marauders. The apple of discord, which had so long created trouble and anxiety in the halls of legislation at Washington, was cast among those who had sought to make their homes upon the beautiful prairies of Kansas, and for the contentions that thus arose the General Government is responsible. It is confidently believed by hundreds of all parties throughout the Territory that Congress should and would make an appropriation for the reimbursement and indemnification of those who have sustained losses directly resulting from the troubles incident to the settlement of the Territory. Political parties and residents of one portion of the Union or the other, view the acts of their opponents in Kansas unfavorably.

But common justice, and a reasonable respect for men who claim the prerogatives of American birthright, demand that the acts of all parties in Kansas be regarded as the legitimate result of the action of the General Government. The mantle of mutual forgiveness must be spread over all that has passed, and the actors and participants in the Territorial troubles be regarded by their opponents as men who zealously contended for their rights and the establishment of principles in which their faith and confidence was sincere. Making due allowance for each other under these circumstances, and uniting their efforts to present the facts to Congress in the manner contemplated by the Act under which this commission originated, not doubting that the many worthy and patriotic men who have sustained losses will have their grievances redressed by the authority to which they have a right to present their just demands.

In reviewing the evidence, it will be seen that the proof in some cases is comparatively slight, in others overwhelmingly convincing.

It must be borne in mind, that as incident to a state of civil war, the disappearance of individuals, loss of papers, and individual asperities of feeling on the part of persons who might be useful to claimants, are to be expected. The papers herewith submitted are as complete as could be expected under the circumstances."

Such was the language of the former Commissioner, an appointee of the Representative of the General Government, in his Report to Congress above mentioned. His position and familiarity with the events alluded to, entitled it to weight and consideration, and secured for his Report a favorable reception, which, but for the reasons already given would, probably, have resulted in specific action. We quote the language now, for the purpose of showing the position assumed, and the admissions then frankly made.

In the discharge of our duties as Commissioners under the law, while we have not felt bound to regulate our proceedings by all the technical rules of procedure which govern courts of law, we have nevertheless been guided in our investigations and decisions by the rules of evidence and those great principles of law which the experience of ages has shown to be safe guides to truth and justice; and although we have labored under a heavy sense of responsibility and an earnest desire to do justice to all parties, we dare not claim, or even hope, that in all cases we have been able to do exact justice to claimants. We do not doubt but in some instances claimants may have proved more than they could justly claim; and, again, we have, no doubt, reduced or rejected claims that were meritorious, because the proof was not sufficient to justify us in making an award. We have felt bound to decide according to the evidence which we have put on record, and to which we invite your attention.

We take occasion here to express our regret that the public mind should have been misled, as we fear it has been to some extent, in regard to the amount and character of the awards, by public statements destitute of truth, and by false conclusions drawn from these erroneous statements. Whether private malice or partisan feeling may have dictated such reports, we are unable to say, and can only regret that men who profess a zeal for truth and justice should so far have neglected truth, and by their reckless statements, made without the slightest knowledge of the facts, created a feeling in the public mind which tends to put in peril the only chance a large and meritorious class of our people have of getting from the Federal Government indemnity for sufferings and losses resulting from the neglect of that Government, and its failure to extend that protection to our people which was their due.

Dated Wyandott, K. T., July 11, 1859.

EDWARD HOOGLAND.
HENRY J. ADAMS.
SAMUEL A. KINGMAN.

WYANDOTT CITY, K. T.,
July 12th, 1859.

Having examined the foregoing Report, I hereby approve of the same.

WILLIAM McKAY, Att'y.

TABULAR STATEMENT "A"

Accompanying Report of Commissioners of Claims, under Act approved February 7, 1859—*Presented to the Constitutional Convention, according to requirements of said Act, July* 11, 1859.

Number.	Name.	County.	Claim.	Award.	Crops Destroyed.	Houses.	Horses.	Cattle.	Owned by Pro-Slavery.	Owned by Free State.	Destroyed or taken by Pro-Slavery.	Destroyed or taken by Free State.	Remarks.
1	*Sarah E. Hoyt	Douglas	650 00	610 00						610 00	610 00		
2	*Charles Freeman	"	3376 50	3193 00						3193 00	2693 00	500 00	
3	*A. Cutler	"	550 00	425 50						425 50	425 50		
4	‡Stephen Bluejacket	Shawnee Res've	2819 50										Rejected
5	*Joseph B. Swayne	Douglas	1075 00	611 80	432 00					611 80	611 80		
6	*Charles Newman	"	100 45	100 45			1			100 45	100 45		
7	*Wm. Breyman	"	1443 50	567 45	250 00			3		567 45	567 45		
8	*John A. Wakefield	"	4328 00	4241 00	1000 00	2	1	3		4241 00	4241 00		
9	*Harris'n R. Rawson	"	1175 00	857 90	650 00					857 90	857 90		
10	*Mark W. Delahay	Leavenworth	17,900 00	8050 00						8050 00	8050 00		
11	*Robert F. Barber	Douglas	299 00										Rejected
12	*Thos. M. Pierson	"	600 00	316 25			2			316 25	316 25		
13	*Frank Quintal	Leavenworth	1776 64	1690 08						1690 08	1690 08		
14	*Wm. C. Bridges	Douglas	585 00	442 75	50 00	1		7		442 75	442 75		
15	*David Burton	"	2025 00	954 50	60 00			18		954 50	954 50		
16	*Rufus S. Bassett	"	422 00	370 30	10 00		2	2		370 30	370 30		
17	*John A. Baillie	"	1801 00	921 15	375 00		2			921 15	921 15		
18	†Baker & Street	Franklin	932 70	932 70			2		932 70			932 70	
19	*Erastus B. Heath	Douglas	3044 35	2455 73	300 00	1				2455 73	2455 73		
20	*Samuel Walker	"	1555 00	891 25	379 00	1	2	2		891 25	891 25		
21	*Thomas Bickerton	"	1012 00	780 20	534 00					780 20	780 20		
22	*George Witherell	Leavenworth	4662 40	2199 20		1				2199 20	2199 20		
23	*Susanna Patterson	Douglas	525 00	525 00			2			525 00	325 00	200 00	
24	*Clark Stearns	"	450 00	345 00			2			345 00	345 00		

Number.	Name.	County.	Claim.	Award.	Crops Destroyed.	Houses.	Horses.	Cattle.	Owned by Pro-Slavery.	Owned by Free State.	Destroyed or taken by Pro-Slavery.	Destroyed or taken by Free State.	Remarks.
25	*George H. Snyder	Douglas	2445 00	2034 35	850 00	1				2034 00	2034 00		
26	*Henry L. Baldwin	"	409 25	298 25	50 00			1		298 25	298 25		
27	*Wm. M. Hazeltine	"	932 00	480 75	405 00					480 75	480 75		
28	*Charles H. Rand	"	161 00	155 75			1	1		155 75	155 75		
29	*Henry Hurd	"	1160 00	552 00	270 00	1		10		552 00	552 00		
30	*Artemas W. Dole	"	300 00	278 30				2		278 30	278 30		
31	*Henry Atherton	"	200 75	115 86	115 86					115 86	115 86		
32	*Charles Dickson	"	350 00	244 37	62 50		1			244 37	244 37		
33	*Charles H. Lovejoy	"	100 00	74 75			1			74 75	74 75		
34	*Lyman Rowley	"	1110 00	258 75						258 75	258 75		
35	*Joseph Shuler	"	112 00	71 30				2		71 30	71 30		
36	*John S. Gingerick	"	470 00	425 50			3	1		425 50	425 50		
37	*Mahlon K. Moore	"	117 00	117 00						117 00	117 00		
38	*Newell W. Spicer	"	323 00	319 70			1			319 70	319 70		
39	*L. B. Dennis	"	840 00	391 00	100 00					391 00	391 00		
40	*Eliza B. Purdom	"	4740 00	3045 00	400 00	1		2		3046 00	3046 00		
41	†William Justice	"	600 00	547 69			4		547 69			547 69	
42	*Robert Morrow	"	34 50	34 50						34 50	34 50		
43	*James McGee	"	858 00	756 70	300 00		1	7		756 70	756 70		
44	*W. D. Jamerson	"	420 73	367 83			2	5		367 83	367 83		
45	*C. W. Southmayd	"	230 00	230 00			1			230 00	230 00		
46	*Frank McD. Hunt	"	2330 00										Rejected
47	*Salem Gleason	"	402 50	402 50			2			402 50	402 50		
48	*Charles J. Garrett	"	256 50	207 00				3		207 00	207 00		
49	*Wm. Livermore	"	120 00	69 00	60 00					69 00	69 00		
50	*R. D. Nichols	"	850 00	57 50						57 60	57 50		
51	*Frank M. Baldwin	"	158 00										Rejected
52	*Eli S. Thompson	"	450 00	372 60	324 00					372 60	372 60		

53	*Hugh O'Neal	Douglas	440 00	258 75			2	2		258 75	258 75		
54	*Ezekiel A. Coleman	"	574 00	427 05	182 —		2			427 05	427 05		
55	*Asaph A. Faxon	"	2175 00	945 30				26		945 30	945 30		
56	*J. H. Thompson	"	540 00	234 60	189 —					234 60	234 60		
57	*L. S. Hall	"	1275 00	1000 00						1000 00		1000 —	
58	*Morris Harttman	"	681 00	681 00						681 00	681 —		
59	*William Graham	"	595 00										Rejected
60	†William McKinney	"	300 00	200 00			2		200 00		200 —		
61	*Arthur Gunther	"	693 80	510 40		1				510 40	510 40		
62	*S. R. Shepherd	"	160 00	160 00			1			160 00		160 —	
63	*Francis O. Tolles	"	161 30	161 30			1			161 30	161 30		
64	*John Stroup	"	7005 00	4605 00		1		9		4605 00	4605 —		
65	*Aaron E. Platts	"	158 12	158 12						158 12	158 12		
66	*Sheldon C. Russell	"	161 00	161 00						161 00	161 —		
67	*Alfonso Jones	"	249 00	171 35	70 —			2		171 35	171 35		
68	*John Roe	"	150 00	115 09			1			115 00	115 —		
69	*Daniel Scannel	"	200 00										Suspended
70	*Daniel W. Palmer	"	618 00	135 70						135 70		135 70	
71	†James P. Carroll	"	203 50										Suspended
72	*Turner Sampson	"	120 75	120 75						120 75	120 75		
73	*Thos. Oliver, Sr.	"	4004 16	4004 16		3	6			4004 16	4004 16		
74	*James Dumars	"	963 00	402 50			2			402 50	402 50		
75	*James McGue	Anderson	207 00	207 00			2			207 00	207 —		
76	*Charles Robinson	Douglas	26240 00	23953 00		2	1			23953 00	23953 —		
77	*George Cutter	"	5065 00	74 75						74 75	74 75		
78	*David O. Keefe	Leavenworth	260 00	126 50			1			126 50	126 50		
79	*Gs. Jenkins' estate	Douglas	12350 50	10292 00	720 —		4	6		10292 50	10292 50		
80	*Samuel C. Smith	"	135 82	135 82						135 82	135 82		
81	*Joseph J. Boyer	"	335 00	57 50						57 50	57 50		
82	*James S. Emery	"	3290 00	1420 25						1420 25	1420 25		
83	*Robert McFarland	"	1224 00	910 15	100 —		4	7		910 15	910 15		
84	*Henry B. Lacy	"	2021 00	9 20						9 20	9 20		

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Number.	Name	County.	Claim.	Award.	Crops Destroyed.	Houses.	Horses.	Cattle.	Owned by Pro-Slavery.	Owned by Free State.	Destroyed or taken by Pro-Slavery.	Destroyed or taken by Free State.	Remarks.
85	*John M. Lacy	Douglas	63 25	63 25				1		63 25	63 25		
86	*J. D. Harrington	"	150 00	115 00			1			115 00	115 —		
87	*J. G. McClelland	"	847 90	405 85	310 —					405 85	405 85		
88	*Ferdinand Fuller	"	210 37	161 00						161 00	161 —		
89	*Henry Eggart	"	540 00	203 28			1	4		293 28	293 28		
90	*Benoni C. Tully	"	1445 00	488 75						488 75	488 75		
91	*Wiley Jones	"	260 00										Suspended
92	*Aaron Neal	"	255 00										Suspended
93	*Archibald Harris	"	284 00	284 00	200 —			1		284 00	284 —		
94	*S. C. Harrington	"	1040 00	828 00						828 00	828 —		
95	*John W. Pennoyer	Leavenworth	979 00	690 00						690 00	690 —		
96	*Chas. A. Wright	Douglas	600 00	287 50			2	5		287 50	287 50		
97	*John Morehead	"	1350 00	503 70	288 —		1			503 70	503 70		
98	*Thomas Wells	"	675 00	300 00				3		300 00	300 —		
99	*John W. Taylor	"	80 00	80 00	80 —					80 00		80 —	
100	*A. M. Wheden	"	765 00	460 00						460 00	460 —		
101	*Shalor W. Eldridge	"	60177 00	49772 00		1	1			49772 00	49772 —		
102	*Milligan Wallace	"	1300 00	411 70	300 —					411 70	411 70		
103	*D. N. Montague	"	443 00	49 45						49 45	49 45		
104	*William S. Hull	"	1594 00	1029 25		1		2		1029 25	1029 25		
105	*Taylor Stevens	"	2485 40	1380 00						1380 00	1380 —		
106	*S. Southerland's est	"	1571 00	926 90			4			926 90	926 90		
107	*Michael Gleen	"	400 00	201 25						201 25	201 25		
108	*Henry Bronson	"	100 00	90 10						90 10	90 10		
109	*George H. Keller	Leavenworth	2342 00	2000 00						2000 00	2000 —		
110	*Thos. H. Thomas	Douglas	280 30	280 30						280 30	280 30		
111	*John G. Crocker	"	465 00	330 00						330 00	230 —	100 —	
112	†H. A. Lowe	Leavenworth	2050 00	1000 00					1000 00			1000 —	

113	*John Kirth's estate	Leavenworth	320 00	74 75						74 75	74 75		
114	†Thomas Fahey	"	1840 00	1840 00					1840 00			1840 —	
115	*John Kelly	"	235 75	235 75			2			235 75	235 75		
116	*Samuel H. Cook	"	146 00	146 00			1			146 00	146 —		
117	*Jeremiah Howald	"	590 00	207 00			1	2		207 00	207 —		
118	*Samuel R. Trower	"	460 00	460 00	350 —					460 00	460 —		
119	†Alfred Justice	Johnson	287 50	287 50			2		287 50			287 50	
120	†J. Willougbhy's est.	Leavenworth	1300 00	1035 00			9		1035 00			1035 —	
121	†A. Dawson's estate	"	1100 00	769 35			10		769 35			769 35	
122	*Alex. Traskowski	"	5788 72	5106 74						5106 74		5106 74	
123	*Aaron Jeffries	"	567 50	567 50						567 50	567 50		
124	*Mic'l Przbytowicz	"	501 58	501 58						501 58		501 58	
125	*John P. Richardson	"	50355 00	408 25	150 —					408 25	408 25		
126	*Jeremiah Iseley	"	1325 00										Suspended
127	*Charles J. Mize	"	135 00	126 50			1			126 50	126 50		
128	*Albert G. Boyd	"	1500 00	690 00		1				690 00	690 —		
129	*Matt & S. France	"	1489 00	1259 25	880 —			3		1259 25	1259 25		
130	*John S. Danks	"	300 00	264 00			2			264 00	264 —		
131	*Jacob F. Stroble	"	2315 00	2300 00						2300 00	2300 —		
132	*Thomas J. Abshire	"	1630 00	1367 35	1100 —			5		1367 35	1367 35		
133	†L. F. Hollingsworth	"	402 50	402 50	200 —		1		402 50		402 50		
134	*David Smith	"	710 00	630 00	200 —					630 00	630 —		
135	Gustavus Stahl	"	689 10	555 15			2	3		555 15	555 15		
136	*James Davis	"	230 00	230 00			2			230 00	230 —		
137	*John T. Sparks	"	200 00	143 75			1			143 75	143 75		
138	*Joseph Elliott	"	400 00	345 00			2			345 00	345 —		
139	†M. H. Comstock	"	404 50	354 20			2		354 20			354 20	
140	†Thomas Suttles	"	276 00	276 00					276 00		276 —		
141	*William Freeland	"	242 00	242 00						242 00	242 —		
142	*F. & E. Englesmann	"	4338 83	3537 86						3537 86	3537 86		
143	*Augustus Kessler	"	394 00	381 80			1			381 80	381 80		
144	*Stephen Sparks	"	200 00	138 00			1			138 00	138 —		

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145	*Frederick Reuter	Leavenworth	391 00	156 40						156 40	156 40		
146	*John E. Gould	"	285 00	212 75						212 75	212 75		
147	*Hornsby & Ferrell	"	12249 51	12249 51						12249 51	12249 51		
148	*Charles W. Ballard	Douglas	500 00	448 50						448 50	448 50		
149	†J. Carr Johnson	Leavenworth	260 50	260 50					260 50		260 50		
150	*John Kendall	"	30 00	30 00						30 00	30 —		
151	*David W. Powers	"	246 00										Suspended
152	*John H. Utt	Brown	115 00	115 00			1			115 —		115 —	
153	*Cornelius Dorland	"	355 00	355 00			2			355 —		355 —	
154	*Enoch Spalding	"	28 75	28 75						28 75		28 75	
155	*Har'n G. Weibling	Leavenworth	2500 00	316 25			2			316 25	316 25		
156	*Paul Molke	"	580 00	500 00						500 —	500 —		
157	*John Hoegner	"	1312 50	808 45						808 45	808 45		
158	†Alfred S. Addis	"	2270 25	1866 70					1866 70			1866 70	
159	*Mary France	"	287 50	287 50						287 50	287 50		
160	*Wm. H. P. Bristow	"	518 35	518 35						518 35	518 35		
161	*Joseph Evans	"	335 00	327 75						327 75	327 75		
162	†M. Pierce Rively	"	345 00	345 00			3		345 00			345 —	
163	*Francis Grasmuck	Shawnee	69 00	69 00				1		69 —	69 —		
164	†Hiram Penny	"	316 26	316 26			2		316 25			316 25	
165	†John M. Reed,	"	1247 75	1247 75				31	1247 75		623 87	623 88	
166	*Bennett A. Murphy	"	230 00	230 00			2			230 —		230 —	
167	†Thomas J. Johnson	"	172 50	172 50			1		172 50			172 50	
168	†William Matney	"	483 00	483 00			2		483 00			483 —	
169	*John D. Jones	"	500 00	500 00			3			500 —	500 —		
170	†Robert A. Edwards	"	2810 30	2810 30			4	2	2810 30			2810 30	
171	†Wm. B. Edwards	"	346 50	346 50					346 50			346 50	
272	†Isaac Renfro	"	207 57	207 57			2		207 57			207 57	

173	†James R. Warren	Shawnee	307 00	307 00			2		307 00			307 —	
174	†John T. Adams	"	126 50	126 50			1		126 50			126 50	
175	†Chas. L. Stevenson	"	517 50	517 50			2		517 50			517 50	
176	*L. G. Cleveland	"	400 00	378 35	204 —		1			378 35		378 35	
177	*Joseph H. Weaver	"	230 00	218 00			1	2		218 00	218 —		
178	†Learner B. Stateler	"	241 50	241 50			2		241 50			241 50	
179	†George Matney	"	431 25	431 25			2		431 25			431 25	
180	*Andrew Irnes	"	230 00	230 00			1			230 00		230 —	
181	†Thomas N. Stinson	"	500 00	500 00				20	500 00		250 —	250 —	
182	†Benj. D. Castleman	"	4025 00	4025 00					4025 00			4025 —	
183	*James Fletcher	"	1500 00	1101 12	750 —					1101 12	1101 12		
184	*Jacob Willets	"	257 00	257 00			2			257 00	257 —		
185	†Orville H. Brown	"	1045 00	1045 00		2	1		1045 00			1045 —	
186	†Mrs. Ann Hopper	"	385 82	385 82	75 —		1		385 82			385 83	
187	†S. J. Livingston	"	573 20	573 20					573 20		125 —	448 —	
188	†Martin Young	"	328 00	197 73	150 —				197 73			197 73	
189	†John L. Hopper	"	716 00	482 49	300 —				482 40			482 40	
190	*Simeon Gilson	Douglas	225 00	144 50			1			144 50	144 50		
191	*Joseph Oakley	"	6325 00	1457 00	1100 —					1457 00	1457 —		
192	*Baxter C. Dennis	"	100 00	86 25						86 25	86 25		
193	*John Graham	"	760 00										Rejected
194	*Sidney Hurd	"	100 00										Suspended
195	*Jonathan F. Taber	"	5899 50										"
196	†Joseph Merritt	"	800 00										Rejected
197	*Martin L. Gaylord	"	1462 50										
198	†Achilles B. Wade	"	1455 00	1098 00	200 —	1	3	4	1098 00			1098 —	
199	*John Anderson	"	980 00	500 00						500 00	500 —		
200	†W. R. Simmons	"	900 00										Suspended
201	*Anson H. Mallory	"	1000 00	598 00	270 —		2			598 00	598 —		
202	†Augustus Wolfley	Nemaha	929 55	804 40					804 40		804 40		
203	†Joab M. Bernard	Franklin	10567 43	9524 91	630 —		3	27	9524 91			9524 91	
204	*Morrow & Blood	Douglas	287 50	287 50			2			287 50		287 50	

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205	*Albert D. Searle	Douglas	592 00	410 00						410 00	410 —		
206	*William Jesse	"	172 50	172 50			1			172 50		172 50	
207	†Francis Meyer	Anderson	1141 40	650 07					650 07			650 07	
208	*George F. Earle	Douglas	325 50										Suspended
209	*Paul R. Brooks	"	260 00	170 00						170 00	170 —		
210	*Rachel E. Lewis	Breckenridge	842 50	523 25	320 —	1				523 25	523 25		
211	*George W. Pierce	Douglas	400 00	310 00	310 —					310 00	310 —		
212	*James H. Carter	"	557 50	484 65	400 —					484 65	484 65		
213	*G. W. Brown	"	17432 00	12569 50			1			12569 50	12569 50		
214	*G. W. Hunt	"	541 50	350 00						350 00	350 —		
215	*Joel Grover	"	736 00	659 45	350 —					659 45	659 45		
216	*Francis A. Bailey	"	172 50	172 50						172 50	172 50		
217	†William S. Wells	"	545 00	366 85	144 00	1			366 85			366 85	
218	*Chas. Bleakley	Doniphan	85 00										Withdrawn
219	*Benj. Johnson	Douglas	1316 00	1013 00						1013 00	1013 —		
220	*G, W. & W. Hutchinson & Co.	"	26910 09	24770 08			1			24770 08	68200 —	18570 08	
221	*Samuel Jones	"	205 95	139 15						139 15	139 15		
222	*Ben. S. Hancock	"	3906 47	2255 25	650 —	1	3	4		2255 25	2255 25		
223	*Robert G. Elliott	"	1075 00	603 75						603 75	603 75		
224	*Andrew S. Baldwin	"	134 00	134 00						134 00	134 —		
225	*John Spicer	"	172 50	172 50			1			172 50		172 50	
226	*John Doy	"	577 30	577 30						577 30	577 30		
227	*Eliab G. Macy	"	2010 00	1334 00	800 —					1334 00	1334 —		
228	*Samuel Smith	"	1200 00	1017 75	885 —					1017 75	1017 75		
229	*Samuel Y. Lum	"	488 75	488 75			2			488 75	488 75		
230	*Oliver P. Kennedy	"	184 00	184 00			1			184 00	184 —		
231	*Miller & Elliott	"	10275 00	4513 75						4513 75	4513 75		

232	*Chas. L. Edwards	Douglas	335 00	335 00		1				335 00	335 00		
233	*Geo. W. Deitzler	"	350 75	350 75						350 75	350 75		
234	*Absolam W. White	"	5150 00	172 50						172 50	172 50		
235	*Thos. R. Herd	"	266 00	161 00	100 —			4		161 00	161 00		
236	*Andrew White	"	600 00	377 20	108 —		1			377 20	377 20		
237	*Henry M. Simpson	"	200 75	200 75			1			200 75	200 75		
238	*Sam. N. Simpson	"	414 00	414 00			1			414 00	414 —		
239	*Abraham Wilder	"	2535 00	2133 25			7			2133 25	2133 25		
240	*Lyman Allen	"	604 00	380 00						380 00	380 —		
241	*Ephraim Nute, Jr.	"	644 00	644 00			3			644 00	644 —		
242	*Levi Woodward	"	172 50	172 50			1			172 50	172 50		
243	†Dan. J. Kezer	Franklin	448 50	448 50			2	4	448 50			448 50	
244	†Jared Chapman	Lykins	1219 00	1219 00					1219 00			1219 —	
245	†Wm. E. Barker	Linn	287 50	287 50			2		287 50			287 50	
246	*Carl A. Krouse	Franklin	76 75	76 75						76 75	76 75		
247	*Perry Fuller	"	415 00	316 25			7			316 25	316 25		
248	*Henry Barriclow	Douglas	663 00	474 95				3		474 95	474 95		
249	*Theodore Winer	Anderson	4500 00										Rejected
250	*Henry Alderman	"	246 00	246 00			2			246 00	246 —		
251	*Silas Sutton	"	674 80	495 45	185 —		2			495 45	495 45		
252	*Marion Fraker	"	240 00	115 00			1			115 00	115 —		
253	*Jacob Benjamin	"	1085 00	862 50	150 —	2		5		862 50	862 50		
254	*Wilber West	"	132 25	132 25			1			132 25	132 25		
255	*Sam. F. Tappan	Douglas	360 00	360 00						360 00	360 —		
256	*Hugh Kilborn	Lykins	322 00	322 00		1				322 00	322 —		
257	*John Blunt	Anderson	184 00	184 00			1			184 00	184 —		
258	*James Sutton	"	230 00	230 00			2			230 00	230 —		
259	*Freeman Austin	"	150 00	149 50						149 50	149 50		
260	*Jesse Sutton	"	469 50	314 50	185 —					314 50	314 50		
261	*Mercy Sutton	"	115 00	115 00			1			115 00	115 00		
262	*August Bondi	"	1191 00	1000 00	185 —	1				1000 00	1000 —		
263	*Isco Sutton	"	759 00	544 40	185 —	1				544 40	544 40		

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264	*John Brown, Jr.	Anderson	510 00			1							Non-resident, rejected
265	*Mary Partridge	Lykins	57 50	57 50						57 50	57 50		
266	*James J. Holbrook	"	1190 00	1167 40			4			1167 40	1167 40		
267	*John F. Grant	"	296 70	296 70			2			296 70	296 70		
268	*G. Partridge's est.	"	172 50	172 50		1				172 50	172 50		
269	*John Sharkey	"	4772 50	4772 50		1				4772 50	4772 50		
270	*Joseph Janus	"	115 00	115 00				2		115 00	115 —		
271	*Mason T. Summers	"	1500 00			1							Non-resident, rejected
272	*W. Partridge	"	402 50	402 50			1			402 50	402 50		
273	*Thos. Roberts	"	161 00	161 00				3		161 00	161 00		
274	*Orville C. Brown	"	6111 00	6111 00		3				6111 00	6111 —		
275	*George Roberts	"	81 65	81 65						81 55	81 65		
276	†Phil. H. Thomas	Linn	459 00	339 25	213 —				339 25			339 25	
277	*Thomas Rice	Lykins	431 25	431 25			3			431 25	431 25		
278	*Robert Reynolds	"	556 00	534 40			1	2		534 40	534 40		
279	*S. E. Thompson	"	322 00	322 00			2			322 00	322 —		
280	†C. H. Withington	"	1664 00	1664 00			3		1664 00			1664 —	
281	†T. L. McKinney	"	143 75	143 75			1		143 75			143 75	
282	*Isaac C. Wilson	Shawnee	74 75	74 75			1			74 75		74 75	
283	*Henry M. Martin	"	485 00	398 50						398 50		398 50	
284	†J. R. Waysman	"	663 90	270 25				7	270 25			270 25	
255	†Uriah G. Johnson	"	333 50	333 50			2		333 50			333 50	
286	*B. Woodbury's est.	Lykins	392 15	392 15			1			392 15	392 15		
287	*Morgan Cronkite	"	184 00	184 00			1			184 00	184 —		
288	*Harold Howard	"	172 50	172 50			1			172 50	172 50		
289	*Wm. B. Keith	"	456 55	456 55			2			456 55	456 55		
290	*R. W. Wood	"	224 25	224 25						224 25	224 25		
291	*Chas. Sturdivan	"	525 00	356 50			2			356 50	356 50		

292	*Henry Carson	Lykins	143 75	143 75				2		143 75	143 75		
293	*H. H. Updegraff	"	721 78	713 00		1				713 00	713 —		
294	*Wm. Saling	"	100 62	100 62			1			100 62	100 62		
295	*James Fuller	"	143 75	143 75				3		143 75	143 75		
296	*Thomas Kelly	"	683 00	620 00		1	1			620 00	620 00		
297	*John Stotts	"	97 75	97 75			1			97 75	97 75		
298	*Chas. A. Foster	"	198 00	198 00						198 00	198 00		
299	*Amos D. Alderman	"	270 00	270 00		1				270 00	270 —		
300	†H. Sherman's est.	"	5000 00	1035 00					1035 00			1035 —	
301	*Wm. Patrick	"	250 00										Suspended
302	*Nat. McVey's est.	"	600 00	575 00		1				575 00	575 —		
303	*John Yelton	"	945 00	901 60		1	2			901 60	901 60		
304	*Charles H. Crane	"	512 35	428 15	100 00		2			428 15	428 15		
305	*Orran Williams	"	115 00	115 00	100 00					115 00	115 —		
306	*Benj. Goodrich	"	241 50	241 50	100 00		1			241 50	241 50		
307	*D. Garrison's est.	"	379 50	379 50				6		379 50	379 50		
308	*Fred Brown's est.	"	333 50	333 50			1	3		333 50	333 50		
309	Samuel L. Adair	"	28 75	28 75				1		28 75	28 75		
310	*Asa S. White's est.	"	1740 00	1713 50		2				1713 50	1713 50		
311	*J. M. Anthony	"	178 75	119 35	25 00					119 35	119 35		
312	*A. B. Jackson	"	115 00	115 00	115 00					115 00	115 —		
313	*Andrew H. Fadden	"	794 00	230 00					230 00			230 —	
314	*Thomas Totten	"	250 00	250 00	100 00		2	1		250 00	250 —		
315	*David G. Watt	"	42 50	42 50						42 50	42 50		
316	*John Lay	"	172 50	172 50						172 50		172 50	
317	*David B. Wilson	"	203 30	203 30	91 00					203 30	203 30		
318	*Patrick Devlin	"	46 10	46 10						46 10	46 10		
319	*Samuel Geer	"	8280 00	8280 00		5				8280 00	8280 —		
320	*James Stotts	"	418 60	418 60			2			418 60	418 60		
321	*David Goodrich	"	350 00	195 50						195 50	195 50		
322	†John Van Hone	"	745 00	92 00	80 00				92 00			92 —	
323	*Cyrus Tator	"	438 55	438 55		1				438 55	438 55		

Number.	Name.	County.	Claim.	Award.	Crops Destroyed	Houses.	Horses.	Cattle.	Owned by Pro-Slavery.	Owned by Free State.	Destroyed or taken by Pro-Slavery.	Destroyed or taken by Free State.	Remarks.
324	*Andrew Updegraff	Lykins	63 25	63 25				3		63 25	63 25		
325	*James M. Arthur	Linn	1981 45	1981 45	1100 00	2	1	1		1981 45	1981 45		
326	*T. J. Addis, sr.	"	1669 55	1535 08		2	2	12		1535 98	1535 98		
327	*T. J. Addis, jr.	"	189 00	180 00	60 00	2				180 90	180 90		
328	*E. Barnes' estate	"	172 50	172 50	50 00					172 50	172 50		
329	*Charles Barnes	"	135 70	135 70						135 70	135 70		
330	*Robert Cottle	"	680 00	552 00	210 —	1				552 00	552 —		
331	*Tilghman Clarke	"	172 50	172 50			1			172 50	172 50		
332	*M. P. McDonald	"	225 00										Rejected
333	*Calvin McDonald	"	115 00	115 00			1			115 00	115 00		
334	*Isaac T. Dement	"	2285 00	2285 00		2				2285 00	2285 —		
335	*Thomas L. Day	"	690 00	621 00	180 —			24		621 00	621 —		
336	*Nicholas Gonyn	"	258 75	258 75			2			258 75	258 75		
337	*Fur. H. Graham	"	92 00	92 00	92 —					92 00	92 —		
338	*Benj. Henshaw	"	97 75	97 75			1			97 75	97 75		
239	*Wm. Hutchin	"	1344 00	1144 00	50 —	1	4			1144 25	1144 25		
340	*Wm. Hobson	"	1525 00	661 25	450 —			4		661 25	661 25		
341	*Thomas James	"	139 25	102 60	50 —					102 60	102 60		
342	*Wm. King's estate	"	126 50	126 50			1			126 50	126 50		
343	*Mary Lovell	"	490 00	460 00			2	2		460 00	460 —		
344	*Solomon Mason	"	608 00	529 20	369 —					529 20	529 20		
345	*Peter Majors	"	150 00										Rejected
346	*Wm. Rogers	"	329 00	213 00				4		213 00	213 —		
347	*Samuel Nickel	"	920 00	920 00	560 —	1				920 00	920 —		
348	†Reuben E. Noel	"	235 75	235 75	175 —			1	235 75			229 75	
349	*John W. Ruark	"	716 35	277 25				1		277 25	277 25		
350	*John R. Robinson	"	807 00										Withdrawn
351	*Augustus Wattles	"	875 00	661 25			3	3		661 25	663 25		

352	*Ruther'd Tennison	Linn	300 00									Rejected
353	*Robert Smith	"	287 50	287 50			2		287 50	287 50		
354	*J. S. Swagarty	"	179 00	148 35			1		148 35	148 35		
355	*David Reese	"	352 75	345 00	100 00		1	1	345 00	345 —		
356	*Oliver Westover	"	94 00	94 00	94 00				94 00	94 —		
357	*Levi Ward	"	193 00	49 45				1	49 45	49 45		
358	*John R. Williams	"	484 00	484 00	245 00			1	484 00	484 —		
359	*John H. Byrd	Atchison	24 00	23 00					23 00	23 —		
360	*David C. Piquett	Leavenworth	3000 00	1035 00		1			1035 00	1035 —		
361	*Chas. Blakely	Doniphan	97 75	97 75			1		97 75		97 75	
362	*James Cormack	Leavenworth	98 17	98 17					98 17	98 17		
363	*L. B. Lawrence	"	675 00	488 75			3		488 75	488 75		
364	*Lorenzo Northrop	Jefferson	1288 00	1288 00		1			1288 00	1288 —		
365	*R. H. Crosby	"	3805 85	3805 85		1		1	3805 85	3805 85		
366	*Philip Rothchild	Leavenworth	1274 25	1274 25					1274 25	1274 25		
367	*Phœbe J. Wilson	Douglas	155 25	155 25					155 25	155 25		
368	†G. S. Skielbeck	"	30000 00									Non-resident, rejected
369	*D. C. Buffum's est.	"	594 00	558 90			2		558 90	558 90		
370	*Chas. H. Thomas	"	707 75									Suspended
371	*Lewis Jenks	"	609 40	609 40	225 00		2		609 40	609 40		
372	*Chas. W. Smith	"	212 75	212 75	75 00				212 75	212 75		
273	*Wm. Jones	"	97 75	97 75			1		97 75	97 75		
374	*Samuel Fry	"	1425 00	575 00					575 00	575 —		
375	*Wm. Phillip's est.	Leavenworth	755 00	701 50		1	1		701 50	701 50		
376	*W. W. Moore	Doniphan	2700 00	860 00			3		860 00	860 —		
377	*Milton E. Clark	Leavenworth	3158 00	2021 70					2021 70	2021 70		
378	*H. Miles Moore	"	735 00	730 25					730 25	730 25		
379	†Wm. A. McDowell	Douglas	4393 00									Suspended
380	*Reuben H. Burr	"	460 00	460 00			2		460 00	460 —		
381	*Wm. Haller	Leavenworth	539 25	460 00					460 00	460 00		
382	*August M. Sattig	"	264 50	264 50					264 50	264 50		
383	†E. M. Mackeruer	"	170 00									Rejected
384	*Frank G. Adams	Atchison	86 25	86 25					86 25	86 25		

Number.	Name.	County.	Claim.	Award.	Crops Destroyed.	Houses.	Horses	Cattle	Owned by Pro-Slavery.	Owned by Free State.	Destroyed or taken by Pro-Slavery.	Destroyed or taken by Free State.	Remarks.
385	†Thos. B. Arnett	Bourbon	802 50										Rejected
386	*Etna Ecart	“	274 00	274 00						274 00	274 —		
387	†H. T. Wilson	“	1133 50	600 80					600 80		575 80	25 —	
388	†C. P. Bullock	“	410 00	74 75					74 75		74 75		
389	*James Curry	“	194 50	120 75			1			120 75	120 75		
390	*Isaiah Stewart	“	442 75	442 75	210 —		2			442 75	442 75		
391	†Benj. Brantley	“	210 00	57 50			1		57 50			57 50	
392	*Allen Beeson	“	1425 00	1095 95	800 —			9		1095 95	1095 95		
393	*William Stone	“	1487 00	1457 00	1140 —					1457 00	1457 —		
394	*Isaac Cody, Adm.	Leavenworth	368 00	368 00			2			368 00	194 —	194 —	
395	*Henry L. Pennock	“	414 00	414 00	414 —					414 00	414 —		
396	*James Comstock	Douglas	126 50	126 50			1			126 50	126 50		
397	*Isaac B. Pennock	Franklin	58 65	58 65						58 65	58 65		
398	*James Cummings	Douglas	245 00	230 00						230 00	230 —		
399	*Thos. B. Heard	“	500 00										Rejected
400	* G. W. Barnes	Nemaha	316 25	316 25			2			316 25	316 25		
401	*Mahlon P. Newell	“	115 00	115 00			1			115 00	115 —		
402	*Byers & Jewett	Leavenworth	79 70	79 70						79 70	79 70		
403	†Martin Hefferlin	“	143 75	143 75			1		143 75			143 75	
404	†W. F. & G. M. Dyer	Jefferson	6000 00	6000 00					6000 00			6000 —	
405	†G. N. Hinchman	Leavenworth	520 00	402 50			3		402 50			402 50	
406	*Joel C. Green	“	54 00	54 00						54 00	54 —		
407	*David Bailey	Douglas	36 43										Rejected
408	*Hiram House	Atchison	2476 00	627 90	270 —			3		627 90	627 90		
409	*H. S. McClelland	Douglas	150 00										Suspended
410	†Thomas Fahay	Leavenworth	200 00										Rejected
411	†James Cravens	Atchison	125 00										“
412	†D. M. Bevens	“	3933 67										Suspended

413	*Harrison Wilder	Atchison	57 50	57 50	57 50					57 50	57 50		
414	†John Braley	Buchanan, Mo.	165 00										Rejected
415	*B. F. Ross	Atchison	161 00	161 00			1			161 —	161 —		
416	*W. J. Eagles	"	657 80	657 80			1	2		657 80	657 80		
417	†Hiram Quiett	"	402 50	402 50			3		402 50		402 50		
418	*John Wright	Leavenworth	375 00	327 75			2			327 75	327 75		
419	*Wm. C. Stagg	Jefferson	125 00										Rejected
420	*Chas. F. Brown	"	57 50	57 50	57 50					57 50	57 50		
421	*J. C. W. Davis	"	184 00	184 00			1			184 00	184 —		
422	*Daniel Low	"	304 95	304 95			2			304 95	304 95		
423	*Adolphus House	Atchison	201 25	201 25			1			201 25	201 25		
424	*Thos. T. Furguson	"	1325 00	1241 00	443 50	1	3			1241 00	1241 —		
425	*J. W. Farnsworth	Shawnee	841 55	841 55				4		841 55	841 55		
426	*Allen & Gordon	"	92 00	92 00						92 00	92 —		
427	*Wm. J. Card	Douglas	450 00	289 80	252 00					289 80	289 80		
428	†Wm. M. Nace	"	621 50	621 50	621 50				621 50		621 50		
429	†James C. Evans	"	2295 00	2133 00				53	2133 00			2133 —	
430	*James Parsons	Shawnee	115 00	115 00			1			115 00	115 —		
431	†R. D. McCamish	Johnson	10150 50	8087 00	4000 00	3	3	1	8057 00			8057 —	
432	†H. S. Randall	Franklin	1302 50	1302 50			15		1302 50			1302 50	
433	†Toussaint La Hay	Douglas	1564 00	1564 00		2	2		1564 00			1564 —	
434	†James Campbell	"	1346 00	1321 25	550 00				1321 25			1321 25	
435	†Benj. F. Hopper	"	625 00	625 00	300 00			3	625 00			625 —	
436	†J. N. O. P. Wood	"	5048 30	5048 30					5048 30		5048 30		
437	*Allen & Conwell	Shawnee	74 65	74 65						74 65	74 65		
438	†Detviot Burton	Douglas	892 00	862 00	360 00	1			862 00			862 —	
439	†Sam. R. Ruckel	"	1000 00										Rejected
440	*Adam Bauer	Shawnee	681 05	681 05	100 00					681 00	681 —		
441	†Sylvester H. Davis	Douglas	1772 00	1319 00	930 00					1319 00	600 —	719 —	
442	*Guilford Dudley	Shawnee	165 60	165 60			1			165 60	165 60		
443	*James Fegart	"	431 25	431 25	431 25					431 25	200 —	231 25	
444	†Fry P. McGee	"	2091 00	1224 75			9		1224 75			1224 75	

Number.	Name.	County.	Claim.	Award.	Crops Destroyed.	Houses.	Horses.	Cattle.	Owned by Pro-Slavery.	Owned by Free State.	Destroyed or taken by Pro-Slavery.	Destroyed or taken by Free State.	Remarks.
445	*Horace L. Jones	Leavenworth	1122 00	851 00			2			851 00	851 —		
446	†P. Skinner, Adm.	Calhoun	8210 00	6210 00			12	100	6210 00			6210 00	
447	†Michael Hummer	Wyandott	415 00	333 50	100 00		2			333 50		333 50	
448	*James Hurd	Douglas	382 60	382 60	180 00			3		382 60	382 60		
449	*Mary S. Pond	Wabaunsee	40 25	40 25						40 25	40 25		
450	*Joshua A. Davis	Leavenworth	200 00										Rejected
451	*Lucy B. Armstrong	Wyandott	34 50	34 50						34 50	34 50		
452	*Wyandott M. E. C'h	"	1680 00	1680 00		1				1680 00	1680 —		
453	*Asher T. Wykoff	"	1050 00	150 00			1			150 00	150 —		
454	†Rob't. S. Merchant	Leavenworth	175 95	175 95			1		175 95		175 95		
455	†Lewis Burns	"	300 00	150 00			1		150 00			150 —	
456	*Alex A. Davis	Jefferson	287 50	287 50			2			287 50	287 50		
457	*Benj. Underwood	"	172 50	172 50			1			172 50	172 50		
458	*Wm. H. Coffin	"	149 50	149 50			1			149 50	149 50		
459	*Jasper R. Perkins	Leavenworth	57 50	57 50				1		57 50	57 50		
460	*Ulyses T. Shipp	Wyandott	400 00	200 00	200 00					200 00	200 —		
461	*John Spaulding	Douglas	120 00	120 00				2		120 00	120 —		
462	*Chas. C. Emery	"	300 00	100 00				2		100 00	100 —		
463	*Wyan. M. E. C'h. S.	Wyandott	6000 00	3500 00		1			3500 00		1750 —	1750 —	
464	†H. D. Oden	Jackson	355 35	355 35			2		355 35			355 35	
465	†R. Pence	"	287 50	287 50	150 00			2	287 50			287 50	
466	*R. Garret	Wyandott	86 20	86 20			1			86 20	86 20		
467	*C. B. Garrett, Adm.	"	172 50	172 50			1			172 50	172 50		
468	*R. M. Ainsworth	"	2540 00	977 50						977 50	977 50		
469	*George Roof	Leavenworth	1056 50	800 00						800 00	800 —		
470	†T. H. Ellis, Adm.	Johnson	7523 30	7523 30				60	7523 30			7523 30	
471	*Hugh Ward	Leavenworth	430 00	398 50			2			398 50	398 50		
472	†Jas. Kuykendall	Jackson	465 00	310 50			2		310 50			310 50	

473	†R. J. Fulton	Jackson	276 00	276 00			1		276 00			276 —
474	*Simon Kohn	Leavenworth	69 00	69 00						69 00	69 —	
475	†J. M. Hands	Shawnee	588 00	575 00					575 00		575 —	
476	†G. W. Ward	Douglas	1569 75	1569 75			2		1569 75			1569 75
477	†P. Fleshman	Jackson	431 25	431 25			2		431 25			431 25
478	*Josiah Goodwin	Franklin	875 00	169 00	150 00					169 00	169 —	
479	*E. Husted	"	172 50	172 50			1			172 50	172 50	
480	†Dan'l Milne	Jackson	143 75	143 75			1		143 75			143 75
481	*N. McCracken	Leavenworth	4857 74	4734 39						4734 39	4734 39	
482	*F. Schluter	"	600 00	600 00						600 00	600 —	
483	*Blood&Hutchinson	Douglas	3450 00	3450 00						3450 00	3450 —	
484	*W. Rosenfield	Leavenworth	172 50	172 50						172 50	172 50	
485	*Ahls & Kohn	"	3150 18	1438 85						1438 85	1438 85	
486	*J. C. Grund	"	143 75	143 75			1			143 75	143 75	
487	*Scott J. Anthony	"	1573 20	1573 20						1573 20	1573 20	
	Private report,		576,020.21	412,978.03	37,349.61	78	368	533	77,198.99	335,779.04	318,718.63	94,259.40
	Suspended cases,			13,945.12					6,888.30	7,056.82	5,496.80	8,448.22
			$707,009.18	453,363.44	37,649.61	78	379	595	95,559.69	357,793.75	339,768.33	113,605.02

* Free State. † Pro-Slavery. ‡ Indian.

[NOTE.—It will be be observed that a discrepancy exists between the total amounts under the different heads on this page and the several amounts given by the Commissioners on page 496, caused by corrections made in the original report, which were not noted on that page.—PRINTER.]

STATEMENT "B."

To Messrs. WOOD, DUTTON and FITZPATRICK, Committee of House of Representatives, &c.

GENTLEMEN:—The undersigned, Auditor of Kansas Territory, in answer to the matters of inquiry embraced in the resolution of House of Representatives, passed January 31, 1860, a copy of which resolution was only furnished by your Committee to me, last evening, February 16, by what authority warrants have been issued on the treasury of this Territory, in payment of the award of the Claim Commissioners appointed by the last Territorial Legislature, respectfully refers to the following extract from his annual report, dated January 2, 1860, and submitted to the Legislature:

EXHIBIT J.

Showing the amount of Certificates of Awards (issued by the Claim Commissioners appointed by the last Legislature,) and amount of Claim Warrants issued upon the Treasurer of the Territory, in accordance with the provisions of "An Act to provide for the Adjustment and Payment of Claims."

Whole amount of Certificates of Awards audited to date, $349,933 63, and amount of Claim Warrants issued, $349,933.63. The duties of the Auditor in relation to the Claim Debt of Kansas, are specifically defined in the eleventh section of "An Act to provide for the Adjustment and Payment of Claims," which provides: "It shall be the duty of the Auditor of the Territory, upon the delivery, to him, of any certificate of Award given by said Commissioners, to draw his Warrant on the Treasurer of the Territory, in such sums as may be required for the amount therein named, in favor of the party to whom such award has been made, or to his order, and deliver the same on demand." In accordance with that section, defining my duties, I have issued Warrants upon the Treasurer, the following being a copy:

COPY OF WARRANT:

$ —— No. ——

CLAIM DEBT OF KANSAS TERRITORY.

AUDITOR'S OFFICE,
Lecompton, Kansas.

Treasurer of the Territory of Kansas will pay to —— ——, or order, the sum of ——dollars, in accordance with the provisions of an Act entitled "An Act to provide for the Adjustment and Payment of Claims." Approved February 7, 1859.

Witness my hand and Official seal at the Auditor's Office, Lecompton, K. T., this — day of ——, in the year 18—.

—— ——, Auditor.

No provision will be found in the "Act supplementary to An Act entitled 'An Act to provide for the payment of Claims," affecting, or repealing, the duties of the Auditor, as defined in section 11, chapter 21, of "An Act to provide for the Adjustment and Payment of Claims." The Supplementary Act purports to be supplementary to a different act, (which never become a law,) and it is doubtful if it can be construed in connection with the Act for the Adjustment and Payment of Claims. But if it should be so construed, it does not change or alter the duties of the Auditor. But, however, before issuing the Claim Warrants, I consulted Hon. Wilson Shannon, one of the most eminent and distinguished jurists in the country, who gave me his written opinion at length, fully sustaining the issue of Warrants, in accordance with the eleventh section of the Act to provide for Adjustment and Payment of Claims. From his known ability and long experience in Public affairs I felt no doubt as to the correctness of his construction of the law. I also have the opinion of other able lawyers, sustaining the same view. I therefore accordingly issued the Warrants in accordance with the law.

The undersigned, for further explanation of his authority for issuing such Warrants, submits herewith a copy of the legal opinion of Hon. Wilson Shannon, and a copy of the legal opinion signed by Messrs. Kingman, Adams and Hoogland, all of them lawyers of respectable standing, and one of them, Hon. S. A. Kingman, having been elected one of the Judges of the Supreme Court of Kansas, under the Wyandott Constitution.

OPINION OF HON. WILSON SHANNON.

To H. J. STRICKLER, Auditor of K. T.

By the 10th section of the Act of the 7th of February, '59, the Commissioners are required to issue each claimant a certificate of their award or decision; by the 11th section of the said Act the Auditor is required to draw his Warrant on the Treasurer, for the amount found each claimant, and the certificate of the Commissioners is his authority for drawing said Warrant. The Warrants should specify the Act under, and by virtue of which they are drawn; and the Treasurer would be limited in his power to pay said Warrants, by the 13th section of the Act under which they are drawn. The supplementary Act, of the 11th of Feb., '59, cannot be construed as altering or changing the duties of the Auditor, as defined by the Act of the 7th Feb., '59; it purports to be supplementary to a different Act, and it is doubtful if it can be construed in connection with the Act of the 7th Feb; but if it should be so construed, it does not change the duties of the Auditor. The 5th section of the supplementary Act prohibits the Commissioners from issuing Territorial scrip or bonds; this section does not interfere with the Act of the 7th of Feb., as that Act does not authorize the Commissioners to issue either scrip or bonds; but merely to issue certificates of their awards or decisions, upon which the Auditor issues his *Warrants* on the Treasurer. The 6th section of the supplemental Act does not interfere with the duties of the Auditor, as defined by the Act of the 7th of Feb.; nor can this section be made to apply to the last named Act, by any legal rule of construction. The word Governor cannot be superseded by the word Commissioners, as it is the word intended by the Legislature and is in the Enrolled Bill. Where a word not intended by the Legislature is inserted in a statute by mistake, or a word necessary to make sense is omitted, in construing the Act, the proper word may be implied, but a word cannot be implied in place of a word that the Legislature intended to use and did use. There is no doubt but the Legislature intended to use the word Governor, and not the word Commissioners in the 6th section; and having used it, it cannot be stricken out and another word put in its place. The 6th section of the supplemental Act is to be left out of view in construing the Act of 7th February. It is, in fact, a nullity, as there is no Act of the Legislature to which it can apply.

I do not think that by the Act providing for the appointment of Territorial Auditor and providing the duties of his office, it was the intention of the Legislature to alter, change, or in any way interfere with the duties of the Auditor, as prescribed and defined in the Act of 7th February. The first named Act defines the general duties of the Auditor; the last named Act defines the particular duties of the Auditor in a particular or special case. If there is an apparent conflict, the special Act would be considered as an exception to the general law, and should be followed so far as the subject matter of the special Act is concerned.

[Signed] WILSON SHANNON.

TECUMSEH, K. T., April 16th, 1859.

HON. H. J. STRICKLER, Auditor &c. :—*Sir :—*

Your suggestion, to your authority as Auditor under the Act "To provide for the adjustment and payment of claims," has been considered by us. We are of opinion:

I. The Act mentioned is a beneficent Act, passed by competent Legislative authority. The general rule of interpretation of such Acts, is that they are to be liberally construed and in such manner as effectually to accomplish their object.

II. The Act is for a specific purpose. In order to give it effect, its language must be complied with. The authority to draw warrants, in accordance with its provisions, is free, and the directions to do so imperative.

III. The provision made for compensation of officers, it must be inferred, was intended to be absolute, in order to give the Act force and effect. The general language and design of the Act imply all necessary appropriations.

IV. As a ministerial officer it is merely your province to comply with the terms and object of the law as you find it. The question of payment or bonding of any Warrants is for the Treasurer to determine.

Yours respectfully,

[Signed.] SAM'L. A. KINGMAN,
HENRY J. ADAMS,
EDW'D HOOGLAND, } Commissioners.

These opinions, sustaining the same view and placing the same construction on law, coming from gentlemen of acknowledged legal ability, I felt no doubt as to my duty as a ministerial officer, and performed it accordingly. If any doubts are properly entertainable as to the character and meaning of the original, and alleged supplementary Acts, the responsibility rests not upon this office nor upon your Legislature, but upon the Legislature of 1859, who failed to distinguish the difference between the two bills then pending—one originating in the House, entitled "An Act to provide for the payment of claims," which never became a law, and the other originating in the Council, approved Feb. 7, 1859, entitled "An Act to provide for the adjustment and payment of claims," to which the sections of the supplemental Act bear no affinity or reasonable coherence. The undersigned further states that on or about the 1st of August, 1859, one of the Claim Commissioners delivered to me a printed copy of their report, containing a tabular statement of awards, which is now in the Auditor's office at Lecompton, and a copy of which is hereunto attached.

In conclusion, I respectfully refer you to an Act to provide for the adjustment and payment of claims, Sec. 11, Chap. 21, Statutes 1859.

Respectfully, your obedient servant

H. J. STRICKLER, Auditor.

Lawrence, K. T., Feb. 17th, 1860.

STATEMENT "C."

LAWRENCE, February 16, 1860.

HON. S. N. WOOD, Chairman of Select Committee.

SIR :—I desire simply to call your attention to the particular sections of the Statute which governed my action in the issuing of bonds. You will find in section 6, of an Act approved February 11, 1859, making provisions for funding the debt of the Territory of Kansas, the following provision :

> From and after the passage of this Act, all persons having any indebtedness of this Territory in the form of *warrants* upon the *Treasury* for indebtedness, which has accrued subsequent to the first day of November, 1857, or *which may accrue* prior to the 1st day of January, 1860, shall upon presentation of the same to the Treasurer of the Territory, receive therefor a bond or bonds of the Territory of Kansas, as provided for in the first section of this Act.

In section 12, of the same Act, there appears to be a provision explanatory of the section above referred to, in relation to the kind of indebtedness the Legislature contemplated bonding. It reads as follows :

> The Territorial debts authorized to be funded by this Act, are debts due and to become due from the Territory of Kansas under the provisions of any law passed subsequent to November 1, 1857.

You will observe that the last section referred to makes no distinction between debts that are due and those to become due, without fixing any limit as to time.

It is not my intention to make an argument, but to refer you to the Statute governing my action in the premises.

ROBERT B. MITCHELL,
Treasurer Kansas Territory.

STATEMENT "D."

SECRETARY'S OFFICE, K. T.,
February 18, 1860.

MR. S. N. WOOD, Chairman of Committee of Inquiry upon Claim Warrants and Bonds.

SIR :—In reply to your communication of 17th inst., received late last evening, calling upon me for information respecting the authority by which warrants have been issued upon the Treasury, and Territorial Bonds issued in payment of the awards of the Claim Commissioners, and whether said Commissioners have complied with the law, and if not, in what particular; and further asking for "all the information on the subject in 'my' possession, immediately." I have to make the following statement:

That according to any reasonable construction of the Acts approved February 7, 1859, to provide for the adjustment and payment of claims, and the Act approved February 11, 1859, entitled "An Act Supplementary to an Act entitled 'An Act to provide for the Payment of Claims,'" and the Act approved February 11, 1859, entitled "An Act for Funding the Indebtedness of the Territory," I have been unable to find any authority for paying the claim warrants issued by the Auditor of the Territory, for the awards made by the Claim Commissioners, by issuing Territorial Bonds therefor.

The 13th section of the Act approved February 7th, 1859, expressly provides that "nothing in this Act shall be so construed as to authorize the payment of the warrants issued in accordance with its provisions, before the 1st day of January, 1865, unless provision shall be made for funding *these warrants* with the other indebtedness of the Territory," and no mention is made of *these warrants* in the 'Act for funding the indebtedness of the Territory."

With regard to the issuing of the warrants, they were issued by the Auditor, I presume, upon his construction of the laws referred to, and the bonds were issued in the same manner by the Treasurer, and approved and sealed by the Governor for the same reason and by the same authority.

With regard to the actions of the Commissioners, I know of my own knowledge but little respecting the awards made by them, and do not know whether in taking testimony or making their awards, they complied with the law; but with regard to the 10th section of the "Act to provide for the Adjustment and Payment of Claims," approved February 7, 1859, which provides that, on or before the first day of September, 1859, said Commissioners shall close their proceedings under this Act, and make up and file in duplicate, in the office of the Secretary and in the office of the Auditor of the Territory, a statement of all claims presented, and the amount, if any, allowed thereon, and they shall likewise file in the office of the Secretary of the Territory, all testimony, vouchers, papers and documents appertaining to their investigations; that no part thereof has been complied with at all, either prior to or since the 1st September, 1859; that the only papers filed by them in my office are their official oaths and bonds, the latter being given under the Supplementary Act, which has been thrown aside by those acting under it as of no authority.

I am sir, your obedient servant,

HUGH S. WALSH,

Secretary of Kansas Territory.

STATEMENT "E."

EXECUTIVE OFFICE, K. T.,
February, 20, 1860.

HON. S. N. WOOD, Chairman Select Committee.

SIR:—Your's of the 19th inst., is before me, asking for information:

First, By what authority warrants were drawn upon the Treasury, under the awards of the Claim Commissioners?

As this was not a duty devolving on me, I cannot give you the information necessary, as I have only the laws to refer to, and which are at your service. By application to the *Auditor* of the Territory, you may be able to obtain all the facts you desire.

Second, You also ask whether I signed said warrants, and whether the Territorial seal was affixed to them? I do not recollect that I ever saw one of the warrants, and of course the Territorial seal is not affixed to them.

The law requiring the *Treasurer* to fund one hundred thousand dollars of the Territorial debt, by the issue of Bonds, required my indorsement and the Territorial seal, which was complied with.

Very respectfully,

S. MEDARY.

STATEMENT

OF THE NUMBER AND AMOUNT OF BONDS ISSUED IN 1859.

LAWRENCE, February 15, 1860.

In reply to the resolution passed February 13, A. D. 1860, by your Honorable Body, requiring me to furnish the names of persons to whom bonds were issued, the several amounts thereof, the wording of the bond, also their form, I submit the following report:

Bond.	No.	To whom issued.	Date.	Amount.	Character.
					LIBER A.
"	1	O. Wilmarth,	May 2d, 1859,	$100 00	Legislative
"	2	"	"	100 00	Warrant.
"	3	"	"	100 00	
"	4	"	"	100 00	
"	5	"	"	100 00	
"	6	"	"	100 00	
"	7	"	"	100 00	$700 00
"	8	D. H. Weir,	"	100 00	
"	9	"	"	100 00	
"	10	"	"	100 00	
"	11	"	"	100 00	
"	12	"	"	100 00	
"	13	"	"	100 00	
"	14	"	"	100 00	
"	15	"	"	100 00	
"	16	"	"	100 00	
"	17	"	"	100 00	
"	18	"	"	100 00	
"	19	"	"	100 00	
"	20	"	"	100 00	
"	21	"	"	100 00	
"	22	"	"	100 00	
"	23	"	"	100 00	
"	24	"	"	100 00	
"	25	"	"	100 00	
"	26	"	"	100 00	1,900 —
	Total of May 2d, 1859, - - - - - - -				$2,600 00
					LIBER B.
"	1	Shaler W. Eldridge,	May 14, 1859,	500 00	Claim
"	2	"	"	500 00	Warrant.
"	3	"	"	500 00	
"	4	"	"	500 00	
"	5	"	"	500 00	
"	6	"	"	500 00	3,000 00
"	7	"	June 14, 1859,	500 00	
"	8	"	"	500 00	
"	9	"	"	500 00	
"	10	"	"	500 00	

Bond.	No.	To whom issued.	Date.	Amount.	Character.
					LIBER B.
"	11	Shaler W. Eldridge,	June 14, 1859,	500 00	Claim Warrant.
"	12	"	"	500 00	
"	13	"	"	500 00	
"	14	"	"	500 00	
"	15	"	"	500 00	
"	16	"	"	500 00	
"	17	"	"	500 00	
"	18	"	"	500 00	
"	19	"	"	500 00	
"	20	"	"	500 00	
"	21	"	"	500 00	
"	22	"	"	500 00	
"	23	"	"	500 00	
"	24	"	"	500 00	
"	25	"	"	500 00	
"	26	"	"	500 00	
"	27	"	"	500 00	
"	28	"	"	500 00	
"	29	"	"	500 00	
"	30	"	"	500 00	
"	31	"	"	500 00	
"	32	"	"	500 00	
"	33	"	"	500 00	
"	34	"	"	500 00	
"	35	"	"	500 00	
"	36	"	"	500 00	
"	37	"	"	500 00	
"	38	"	"	500 00	
"	39	"	"	500 00	
"	40	"	"	500 00	
"	41	"	"	500 00	
"	42	"	"	500 00	
"	43	"	"	500 00	
"	44	"	"	500 00	
"	45	"	"	500 00	
"	46	"	"	500 00	20,000 00
					LIBER D.
"	1	"	"	1,000 00	
"	2	"	"	1,000 00	
"	3	"	"	1,000 00	
"	4	"	"	1,000 00	
"	5	"	"	1,000 00	
"	6	"	"	1,000 00	
"	7	"	"	1,000 00	
"	8	"	"	1,000 00	
"	9	"	"	1,000 00	
"	10	"	"	1,000 00	
"	11	"	"	1,000 00	
"	12	"	"	1,000 00	
"	13	"	"	1,000 00	
"	14	"	"	1,000 00	
"	15	"	"	1,000 00	
"	16	"	"	1,000 00	
"	17	"	"	1,000 00	
"	18	"	"	1,000 00	

Bond.	No.	To whom issued.	Date.	Amount.	Character.
					LIBER D.
"	19	Shaler W. Eldridge,	June 14, 1859,	1,000 00	Claim
"	20	"	"	1,000 00	Warrant.
"	21	"	"	1,000 00	
"	22	"	"	1,000 00	22,000 00
"	23	Charles Robinson,	"	1,000 00	
"	24	"	"	1,000 00	
"	25	"	"	1,000 00	
"	26	"	"	1,000 00	4,000 00
"	27	H. C. Pate,	June 20th, 1859,	100 00	Legislative
"	28	"	"	100 00	Warrant.
"	29	"	July 1st, 1859,	100 00	
"	30	R. W. Eddy,	"	100 00	4— —
					LIBER A.
"	31	Shaler W. Eldridge,	July 1st, 1859,	100 00	1— —
					C. Warrant.
"	32	John Brown,	July 13th,	100 00	Legislative
"	33	Thomas H. Butler,	July 13th, 1859,	100 00	Warrant.
"	34	"	"	100 00	
"	35	John Pickering,	"	100 00	
"	36	"	"	100 00	
"	37	"	"	100 00	6— —
					LIBER B.
"	84	Ann M. Jenkins,	July 1st, 1859,	500 00	Claim
"	85	"	"	500 00	Warrants.
"	86	"	"	500 00	
"	87	"	"	500 00	
"	88	"	"	500 00	
"	89	"	"	500 00	
"	90	"	"	500 00	
"	91	"	"	500 00	
"	92	"	"	500 00	
"	93	"	"	500 00	
"	94	"	"	500 00	
"	95	"	"	500 00	
"	96	"	"	500 00	
"	97	"	"	500 00	
"	98	"	"	500 00	
"	99	"	"	500 00	
"	100	"	"	500 00	
"	101	"	"	500 00	
"	102	"	"	500 00	
"	103	"	"	500 00	10,000 —
"	104	Charles Robinson,	July 1st, 1859,	500 —	
"	105	"	"	500 —	1,000 —
"	106	John Hollingsworth,	"	500 —	
"	107	"	"	500 —	
"	108	"	"	500 —	
"	109	"	"	500 —	
"	110	"	"	500 —	
"	111	"	"	500 —	
"	112	"	"	500 —	
"	113	"	"	500 —	4,000 —
					LIBER A.
"	38	W. E. Sutliff,	October 1st, 1859,	100 —	Legislative
"	39	"	"	100 —	Warrants.
"	40	"	"	100 —	

Bond.	No.	To whom issued.	Date.	Amount.	Character.
"	41	W. E. Sutliff,	October 1st, 1859,	100 —	
"	42	"	"	100 —	
"	43	"	"	100 —	
"	44	"	"	100 —	
"	45	"	"	100 —	
"	46	"	"	100 —	
"	47	"	"	100 —	1000 —
"	48	John Hollingsworth,	"	100 —	Claim
"	49	"	"	100 —	Warrants.
"	50	"	"	100 —	
"	51	"	"	100 —	
"	52	"	"	100 —	
"	53	"	"	100 —	
"	54	"	"	100 —	
"	55	"	"	100 —	
"	56	"	"	100 —	
"	57	"	"	100 —	
"	58	Thomas L. Day,	"	100 —	1,100 —
"	59	Norman Allen,	"	100 —	Legislative
"	60	"	"	100 —	Warrants.
"	61	"	"	100 —	300 —
"	62	John Pickering,	"	100 —	
"	63	"	"	100 —	
"	64	"	"	100 —	
"	65	"	"	100 —	
"	66	"	"	100 —	
"	67	"	"	100 —	
"	68	"	"	100 —	
"	69	"	"	100 —	
"	70	"	"	100 —	
"	71	"	"	100 —	
"	72	"	"	100 —	
"	73	"	"	100 —	
"	74	"	"	100 —	
"	75	"	"	100 —	
"	76	"	"	100 —	
"	77	"	"	100 —	
"	78	"	"	100 —	
"	79	"	"	100 —	
"	80	"	"	100 —	
"	81	"	"	100 —	
"	82	"	"	100 —	
"	83	"	"	100 —	
"	84	"	"	100 —	
"	85	"	"	100 —	
"	86	"	"	100 —	
"	87	"	"	100 —	2,600 —
					LIBER B.
"	47	Charles Robinson,	July 1st, 1859,	500 —	C. Warrants.
"	48	"	"	500 —	
"	49	"	"	500 —	
"	50	"	"	500 —	
"	51	"	"	500 —	
"	52	"	"	500 —	
"	53	"	"	500 —	
"	54	"	"	500 —	
"	55	"	"	500 —	

Bond.	No.	To whom issued.	Date.	Amount.	Character.
"	56	Charles Robinson,	July 1st, 1859,	500 00	
"	57	"	"	500 00	
"	58	"	"	500 00	
"	59	"	"	500 00	
"	60	"	"	500 00	
"	61	"	"	509 00	
"	62	"	"	500 00	
"	63	"	"	500 00	
"	64	"	"	500 00	
"	65	"	"	500 00	
"	66	"	"	500 00	
"	67	"	"	500 00	
"	68	"	"	500 00	
"	69	"	"	500 00	
"	70	"	"	500 00	
"	71	"	"	500 00	
"	72	"	"	500 00	
"	73	"	"	500 00	
"	74	"	"	500 00	
"	75	"	"	500 00	
"	76	"	"	500 00	
"	77	"	"	500 00	
"	78	"	"	500 00	
"	79	"	"	500 00	
"	80	"	"	500 00	
"	81	"	"	500 00	
"	82	"	"	500 00	
"	83	"	"	500 00	18,500 00
"	114	A. J. Armstrong,	"	500 00	
"	115	"	"	500 00	
"	116	"	"	500 00	
"	117	Clay Adams,	"	500 00	
"	118	"	"	500 00	
"	119	"	"	500 00	3,000 00
"	120	W. E. Sutliff,	"	500 00	L. Warrant.
"	121	S. K. Huson,	December 21st, 1859,	500 00	Claim War.
"	122	Charles Robinson,	October 1st, 1859,	500 00	1,500 00

Total of all warrants issued, ...		$95,700 00
Total of bonds issued on Legislative Warrants,	5,400 00	
Total amount of bonds issued on Claim warrants, ...	90,300 00	
		$95,700 00

All bonds marked "Liber A," are one hundred dollars each.
All bonds marked "Liber B," are five hundred dollars each.
All bonds marked "Liber D," are one thousand dollars each.

ROBT. B. MITCHELL,
Treasurer, K. T.

[COPY OF BOND.]

$—— FUNDED DEBT OF KANSAS TERRITORY. No.——

LECOMPTON, Kansas, ——— ———, 18—.

BE IT KNOWN THAT THE TERRITORY OF KANSAS owes to ——— ——— or assigns, the sum of ——— ———, bearing interest from date at ten per cent. per annum, payable yearly on the 1st day of January, in the City of New York, and for which Coupons are hereto attached. This bond is issued in pursuance of an Act of the Legislative Assembly of the Territory of Kansas, passed February 11th, 1859, entitled "An Act to provide for Funding the Indebtedness of the Territory," the principal of which is reimbursable in the City of New York on the first day of January, 1865, and for the payment of which the faith of the Territory of Kansas is pledged.

In testimony whereof, this bond hath been signed by the Governor, and countersigned by the Auditor, who hath registered the same, and indorsed and recorded by the Treasurer, and to which is affixed the Great Seal of the Territory.

Countersigned and Registered.

——— ——— Auditor.

——— ——— Governor Kansas Territory.

$100 FUNDED DEBT OF KANSAS TERRITORY.

6

On the first day of January, 1865, the Territory of Kansas will pay One Hundred Dollars for interest on bond No — of Funded Debt agreeably to Act of 11th of February, 1859.

——— ——— Treasurer

$100. FUNDED DEBT OF KANSAS TERRITORY.

5

On the first day of January, 1864, the Territory of Kansas will pay One Hundred Dollars for interest on bond No — of Funded Debt, agreeably to Act of 11th February, 1859

——— ——— Treasurer.

$100. FUNDED DEBT OF KANSAS TERRITORY.

4

On the first day of January, 1863, the Territory of Kansas will pay One Hundred Dollars for interest on bond No — of Funded Debt, agreeably to Act of 11th February, 1859

——— ——— Treasurer.

$100 FUNDED DEBT OF KANSAS TERRITORY

3

On the first day of January, 1862, the Territory of Kansas will pay One Hundred Dollars for interest on bond No — of Funded Debt, agreeably to Act of 11th of February, 1859

——— ——— Treasurer.

$100 FUNDED DEBT OF KANSAS TERRITORY.

2

On the first day of January, 1861 the Territory of Kansas will pay One Hundred Dollars for interest on bond No — of Funded Debt, agreeably to Act 11th of February, 1859

——— ——— Treasurer.

$——. FUNDED DEBT OF KANSAS TERRITORY.

1

On the first day of January, 1860 the Territory of Kansas will pay ——— ——— for interest on bond No — of Funded Debt, agreeably to Act of 11th February, 1859

——— ——— Treasurer.

Mr. Fitzpatrick, from the same Committee, submitted a

MINORITY REPORT.

Your Committee, appointed to inquire by what authority warrants have been issued on the Treasury of this Territory in payment of the awards of Claim Commissioners, appointed by the last Territorial Legislature, having been unable to agree in their report, the undersigned would beg leave to submit the following, as a minority report:

An investigation of the subject devolving on your Committee, has clearly shown to the minority of the Committee, first, that the Commissioners appointed under an Act, entitled "An Act to provide for the adjustment and payment of claims," have not fully complied with the requirements of said statute. Secondly, that the Auditor of the Territory has issued warrants on the Treasury without any appropriation or sufficient authority therefor, and third, that the bonding of a part of said warrants by the Treasurer of the Territory, has been equally unauthorized, and in violation of the evident design of the said Legislature. By the provisions of the tenth section of the act above referred to, it is made the duty of said Commissioners to close their proceedings under said Act, on or before the 1st of September, A. D. 1859, and that they should file, in duplicate, in the office of the Secretary and of the Auditor of the Territory, a complete list of all claims and of all awards made thereon, and that they shall also file with said Secretary, all testimony, vouchers and documents, pertaining to such investigations. Now, by the evidence of the Secretary, and also by a report made to your Committee by said Commissioners, (which will be transmitted to you with the majority report,) it appears that the Commissioners did not, and have not filed any such papers, and that they did not close their labors at said date, and even continued cases, then initiated, after that time, and that in consequence of such a course, the certificates have been issued and warrants drawn on the Treasury for them, while no evidence for the claim for which said indebtedness has been assumed, was in the possession of any regular officer of this Territory, and no evidence is filed, or exists with any such officer, of the actions of said Commissioners, further than the mere act of their giving bond upon organization. And further, the said Commissioners were required, by the provisions of an Act supplementary to said Act, to report their proceedings to the annual session of the Territorial Legislature for the current year, which they have failed to do.

And here the minority of your Committee would report, that a question seems to have arisen as to the applicability of the supplemental Act, to the Act creating the Commission. Thus, while the title of the first Act is, "An Act to provide for the adjustment and payment of Claims," the title of the supplemental Act is "An Act Supplemental to an Act entitled 'An Act to provide for the *payment* of Claims.'" It seems to have been inferred by some, that the omission of the word "adjustment," is fatal to the Supplemental Act.

The minority of your Committee does not deem it necessary to make any statement, or offer any opinion as to the legal question thus raised in justification, as the fact is before you; but feels it necessary to state, first, that the quotation within the title of the Supplemental Act is correct in ~~all that~~ is quoted, one word being omitted, there being two in the original Act of a similar meaning; second, that there is an official record of that Legislative body that corrects this error and shows clearly the design of the Legislature. On page 332 of the Journal of the Council, recording the proceedings of the 11th day of February, A. D. 1859, it says: "The President announced that the Joint Convention of the two Houses, had elected William McKay as attorney, as provided for in the Act "for the adjustment and payment of Claims." As will be seen by reference to the two Acts, the provisions for electing an Attorney are in section two of the Supplemental Act.

The Auditor of the Territory, among other documents, transmitted to your Committee the written opinion of Wilson Shannon, as adverse to the validity of or requirments of the Supplemental Act, and the said Attorney for the Territory, William McKay, testified before your Committee that he interposed his opinion, urging said Auditor not to issue warrants on the awards of said Commissioners, in consideration of the Supplemental Act. The minority of your Committee cannot but regret that when the Legislature had elected an Attorney for the Territory that his opinion should have not been deemed the most reliable. It is also a matter of regret, that the Commissioners should have signed an opinion justifying the Auditor in issuing warrants. Said Commissioners evidently regarding the Supplemental Act as binding, as they gave bond, and reported their proceedings to the Wyandott Convention, under its provisions.

If the sixth section of the Supplemental Act means anything, it clearly means that no warrants shall be drawn on such claims, until subsequent Legislation has been had. It refers specifically to certificates to be issued as provided for in the tenth section of the Act, to which it is supplemental. And although the word Governor occurs in the latter Act, this is clearly a mere clerical error, as the section of the Bill is specifically referred to, and unless we ignore the Supplemental Act, the binding effect of the prohibition of the sixth section of said Act is plain.

The minority of your Committee is satisfied that there can be no moral doubt that such was the meaning of the Legislature in enacting the Supplemental Act, and no legal doubt can arise sufficient to justify setting aside its provisions.

But independent of the *provisions* of the Supplemental Act, or of the Supplemental Act itself, there is a clear statute prohibiting the issuing of said warrants. In the Act providing for the appointment of Territorial Auditor and defining his duties, on the 53d page, of the statutes of last session, and in the eighth section of the Act, it provides that "when the law recognizes a claim, (but no appropriation has been made therefor,) to settle the claim and give the claimant a *certificate* thereof and report the same to the General Assembly." No Legislative maxim is more clearly established than that no money shall be paid, or warrant on the treasury issued until an appropriation shall have covered the same. Here the Auditor is expressly limited to issuing a mere certificate of claim unless there is an appropriation. No such appropriation for these claims was made. The minority of your Committee is clear from the whole record that no such appropriation was for a moment designed, or construed as to authorize the payment of the warrants issued in accordance with its provisions before the first day of January, 1865, unless provisions shall be made for funding these warrants with the other indebtedness of the Territory; or, unless Congress shall sooner make provisions for their payment. The provisions of said section clearly rendering such bonding illegal. By the section referred to, the claim scrip is distinctly specified as a peculiar kind of indebtedness or claim, which must be specifically included with the other debts of the Territory before it can be bonded and which is really, in no event, (even prior to the passage of the Supplemental Act,) to be treated as indebtedness until the year 1865, and the section contemplates that Congress shall pay the claims, that they may never become a burden to the Territory. While giving evidence before your Committee, the Treasurer of the Territory stated that he, as the agent of one of the claimants, had on the first of January A. D. 1860, in New York City, paid the interest on certain of these bonds. The minority of your Committee does not see how he could have acted as Treasurer while agent for any man, as they would not like to believe a high official of the Territory could use the dignity of his office to give to these bonds, even if regular, more credit than legitimately attached to them.

The minority of your Committee would therefore in conclusion submit that the Commissioners failed in their duty, and that the Auditor of the Territory issued said warrants without legal authority and in violation of law, and that the Treasurer of the Territory violated the law in bonding them, and that these evidences of Territorial indebtedness have been issued without any legal warrant therefor. It further appears that the broad seal of the Territory is on the face of those bonds; by what authority this was used does not appear to your Committee, but we urge upon you the necessity of an inquiry. Therefore the minority of your Committee do recommend that prompt legislation be adopted to prevent the Treasurer, or any tax collector, or other officer of the Territory, or any county thereof, from receiving any of the warrants so issued in payment of taxes, and also prohibiting the Treasurer from paying the same, or issuing bonds therefore, or paying interest on any bonds issued for such claims, until further legislation is had on the subject. And also, in order to maintain the credit of the Territory, would recommend that it be made the duty of the Auditor to send a list of the warrants so issued, and their numbers, to the Secretary of the Territory, and the duty of the Treasurer of the Territory to send a list, with their numbers, of the bonds so issued to the said Secretary, who shall cause the list so furnished to be published in two of the most prominent papers of the Territory, as indebtedness not to be paid until further legislation so determine it. And the minority of your Committee would further submit, that said claims, however just they may be, are not indebtedness legitimately due by the people of the Territory, that they should not be required to assume such a debt, but by a vote of said people—that the losses for which these claims accrued, arose from the inefficiency of the Federal Government in protecting the people of Kansas under this Government; and it is further recommended that you do frame a memorial to Congress, urging the General Government to pay them at as early a day as possible.

All of which is respectfully submitted,

WM. H. FITZPATRICK,
A minority of the Committee.

On motion of Mr. Colton, both reports were laid upon the table and ordered to be printed and made the special order of to-morrow, at 10 o'clock, A. M.

Council Bill No. 111, "An Act providing for taking census for Kansas Territory, and for other purposes," was taken up, and,

On motion of Mr. Brooks, was indefinitely postponed.

House Bill No. 117 was taken up, "An Act to amend an Act to incorporate the Marysville and Roseport Railroad Company."

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 177, "An Act to authorize Cities and Counties to take Stock in Railroads and to sell its Bonds to provide for the payment thereof," was taken up.

On motion of Mr. Brown, it was indefinitely postponed.

House Bill No. 29, "An Act supplemental to an Act entitled "An Act to incorporate the city of Palermo," was taken up.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 316, "An Act to charter a Ferry across the Marais des Cygnes river." was taken up.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 298, "An Act to divorce William Perry and Lucy A. Perry," was taken up.

Read a third time, and

Passed.

Mr. Bartlett moved to indefinitely postpone the Bill.

Mr. Brown moved to lay the motion on the table.

Carried.

The Bill having been read a third time,

Passed.

The title was agreed to.

House Bill No. 310, "An Act to establish a Ferry across the Big Blue river," was taken up.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 299, "An Act divorcing Henry Hart and Henrietta Hart," was taken up.

Read a third time, and

Being upon its final passage, the

Yeas and nays were demanded.

Yeas—15. Nays—12.

Yeas, Messrs. Brown, Bartlett, Brooks, Dutton, Elliott, Heath, Jones, Lombard, Murphy, Noel, Nelson, Robertson, Vanderslice, Whitehead and Wood.

Nays, Messrs. Chandler, Cave, Knowles, Lindsay, McMath, Morton, Pierce, Reynolds, Steward, Shively, Scott and Wagstaff.

So the Bill passed.

The title was agreed to.

House Bill No. 120 was taken up, "An Act to establish a Toll Bridge across the Platte river."

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 306, "An Act to incorporate the Fort Scott Bridge and Ferry Company," was taken up, and,

On motion of Mr. Brown, it was passed over informally.

House Bill No. 241, "An Act authorizing Ira E. Moon and others to build a Bridge across the Cottonwood river," was taken up.

Read a third time, and

Passed.

The title was agreed to.

On motion of Mr. Elliott,

House adjourned.

EVENING SESSION.

7 O'CLOCK.

The special order being the consideration of the Veto Message of the Governor to House Bill No. 6, "An Act to prohibit Slavery and Involuntary Servitude in Kansas," it was taken up, and,

On motion of Mr. Parks, it was postponed and made the special order of to-morrow, at 10 o'clock.

House Bill No. 263, "An Act making an appropriation for the benefit of the Scientific and Historical Society of Kansas," was taken up.

Mr. Parks moved to indefinitely postpone the Bill.

The yeas and nays were ordered.

Yeas—20. Nays—12.

Yeas, Messrs. Brown, Bartlett, Chandler, Cave, Cornwell, Elliott, Fitzpatrick, Knowles, Lombard, Murphy, Noel, Nelson, Parks, Robertson, Reynolds, Steward, Vanderslice, Whitehead, Wagstaff and Wood.

Nays, Messrs. Brooks, Heath, Lindsay, McMath, Morton, Pierce, Rankin, Sims, Shively, Sopris and Mr. Speaker.

So the motion prevailed.

House Bill No. 394, "An Act changing the Territorial Road from Wyandott southwestward one hundred and fifty miles toward Santa Fe," was taken up.

Read a third time, and

Passed.

The title was agreed to.

Council Bill No. 122, "An Act divorcing Bailey Smith," was taken up.

Mr. Parks moved to lay it on the table.

Carried.

Mr. Brooks, from the Committee on Corporations, submitted the following reports:

The Committee on Incorporations, having had under consideration House Bills Nos. 98 and 317, report the same, and recommend their passage without amendment.

P. R. BROOKS, Chairman.

The Committee on Corporations and Banking, having had under consideration House Bill No. 247, entitled "An Act to incorporate the Kansas Telegraph Company," report the same, without amendment, and recommend its passage.

P. R. BROOKS, Chairman.

The Committee on Corporations, having examined Council Bill No. 185, entitled "An Act to incorporate the Quindaro and Shawnee Bridge and Road Company," report the same and recommend its passage, with the following amendment, to wit:

In Sec. 8, strike out the word "two" and insert "one;" strike out the word "five" and insert "two."

P. R. BROOKS, Chairman.

The Committee on Corporations, having had under consideration House Bill No. 360, entitled "An Act to incorporate the Leavenworth Museum," report the same back, and recommend its passage without amendment.

P. R. BROOKS, Chairman.

House Bill No. 280, "An Act to incorporate the Kansas Central Telegraph Company," was taken up.

Mr. Parks moved that it be recommitted to the Committee on Militia.

Carried.

House Bill No. 328, "An Act to establish a Toll Bridge across the Big Stranger Creek, in Leavenworth county."

Bill read a third time, and

Passed.

The title was agreed to.

House Bill No. 202, "An Act to incorporate the Prospect Cemetery, near Denver City, Arrapahoe county, K. T.," was taken up.

On motion of Mr. Parks, it was indefinitely postponed.

House Bill No. 351, "An Act to incorporate the Mount Prospect Cemetery Association," was taken up.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 341, "An Act to incorporate the Fremont Collegiate Association," was taken up.

Read a third time, and

Passed.

Title was agreed to.

House Bill No. 251, "An Act to protect Settlers on Public Lands," was taken up.

On motion of Mr. Murphy, it was indefinitely postponed.

House Bill No. 144, "An Act to incorporate the city of Lecompton," was taken up.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 201, "An Act to incorporate the Riley Town Company," was taken up.

The amendments of the Committee were agreed to.

Mr. Morton moved to postpone the Bill, and make it the special order of Wednesday, at 2 o'clock, P. M.

Carried.

Council Bill No. 132, "An Act to incorporate the Atchison Turnverein," was taken up.

Read a third time, and

Passed.

The title was agreed to.

Council Bill No. 11, "An Act to amend an Act to provide for the locating and working of Highways," was taken up, and

On motion of Mr. Parks, was laid on the table.

Message from the Council:

Mr. Speaker:—The Council instruct me to notify the House that they have passed Council Bill No. 106, "An Act to incorporate the Cinnabar Mining Company"

No. 201, "An Act supplemental to an Act entitled 'An Act establishing the boundaries of Davis county.'"

No. 202, "An Act supplemental to an Act to incorporate Junction City."

No. 207, to provide for the paying over of certain Territorial Tax.

No. 213, "An Act to provide for the location of the County Seat of Franklin county."

Your concurrence is desired.

JOHN J. INGALLS,
Secretary.

House Bill No. 320, "An Act to legalize certain acts of Erastus W. Stratton," was taken up.

The amendments of the Committee were agreed to, and

The Bill passed.

On motion of Mr. Wood, the word "certain," in the title, was stricken out and the word "official" inserted therein.

House Bill No. 34, "An Act to incorporate the Detroit Town Company," was taken up.

Read the third time, and

Passed.

The title was agreed to.

House Bill No. 264, "An Act to provide for a Justice of the Peace in and for the city of Ogden," was taken up.

Mr. Wood moved to strike out the word "county" where it appears in the Bill, and insert "township."

Carried.

Bill read a third time, and

Passed.

The title was agreed to.

Council Bill No. 21, "An Act exempting certain Lands from the premises of an Act entitled 'An Act to incorporate the city of Sumner,'" was taken up.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 182, "An Act to authorize Simon Ritter to erect a Toll Bridge over the South Platte river, at a point herein named, in the Territory of Kansas, and for other purposes," was taken up.

The amendments of the Committee were agreed to.

The Bill was read a third time and

Passed.

Title was agreed to.

Council Bill No. 75, "An Act for the relief of Franklin W. Roberts," was taken up.

Bill read a third time, and

Passed.

Title was agreed to.

Council Bill No. 71, "An Act to change the name of the Whitehead Town Company and provide for the payment of its Taxes," was taken up.

The amendments of the Committee were agreed to, and

The Bill passed.

The title was agreed to.

House Bill No. 306, "An Act to incorporate the Fort Scott Bridge and Ferry Company," was taken up.

The amendments of the Committee were agreed to, and

The Bill passed.

The title was agreed to.

Council Bill No. 23 was taken up, "An Act to establish a Toll Bridge over the Arkansas river, at the mouth of the Fountain qui Boulle."

Read a third time, and

Passed.

Title was agreed to.

Council Bill No. 100, "An Act to incorporate the Great Western Mining Company," was taken up.

Read a third time, and

Passed.

Title was agreed to.

House Bill No. 326, "An Act to incorporate the St. Marysville Town Company," was taken up.

Read a third time, and

Passed.

Title was agreed to.

House Bill No. 334, "An Act to incorporate the Leavenworth Lodge, No. 1, of the Independent Order of Sons of Malta," was taken up.

Read a third time, and

Passed.

Title was agreed to.

House Bill No. 331, "An Act to incorporate the Eastern Kansas Railroad Company," was taken up.

Read a third time, and

Passed.

Title was agreed to.

House Bill No. 281, "An Act to incorporate the Occidental Cricket Club, of Leavenworth," was taken up.

Bill read a third time, and

Passed.

Title was agreed to.

House Bill No. 289, "An Act to charter a Ferry across the Neosho river, near Ottumwa," was taken up.

Read a third time, and

Passed.

Title was agreed to.

House Bill No 314, "An Act to incorporate the Council Grove Insurance Company," was taken up.

Read a third time, and

Passed.

Title was agreed to.

Mr. Wood offered the following resolution, which was adopted:

Resolved, That J. L. McDowell be and is hereby declared Assistant Docket Clerk for the balance of this Session.

House Bill No. 344, "An Act to incorporate the Eagle Quartz Mining Company," was taken up.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 170, "An Act to the change the name of Lykins county," was taken up.

Laid over.

House Bill No. 354, "An Act to incorporate the Leavenworth Fire, Marine and Life Insurance Company," was taken up.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 386, "An Act for the relief of James R. Whitehead," was taken up.

On motion of Mr. Wood, it was recommitted to the Judiciary Committee.

House Bill No. 206, "An Act to secure freedom to all persons in the Territory of Kansas," was taken up.

Mr. Lombard moved to indefinitely postpone the Bill.

Mr. Wood moved to lay the motion upon the table.

Yeas and nays ordered.

Yeas—12. Nays—15.

Yeas, Messrs. Brooks, Elliott, Fitzpatrick, Knowles, Morton, Nelson, Rankin, Steward, Shively, Scott, Wood and Mr. Speaker.

Nays, Messrs. Brown, Cornwell, Cave, Dutton, Heath, Lombard, Murphy, McMath, Noel, Robertson, Reynolds, Sopris, Vanderslice, Whitehead and Wagstaff.

So the motion was lost.

The question recurring upon the motion to indefinitely postpone the Bill.

Mr. Nelson moved to amend, by postponing and make it a special order of to-morrow at 4 o'clock.

Yeas and nays ordered.

Yeas—11. Nays—16.

Yeas, Messrs. Elliott, Fitzpatrick, Knowles, Morton, Nelson, Robertson, Rankin, Steward, Scott, Wood and Mr. Speaker.

Nays, Messrs. Brown, Brooks, Cornwell, Cave, Dutton, Heath, Lombard, Murphy, McMath, Noel, Reynolds, Shively, Sopris, Vanderslice, Whitehead and Wagstaff.

So the motion was lost.

The question recurring upon the motion to indefinitely postpost the Bill.

Mr. Wood demanded the previous question, which was sustained.

Yeas and nays ordered upon the motion to indefinitely postpone the Bill.

Yeas—14. Nays—14.

Yeas, Messrs. Brown, Cornwell, Cave, Dutton, Lombard, Murphy, McMath, Noel, Robertson, Reynolds, Sopris, Vanderslice, Whitehead and Wagstaff.

Nays, Messrs. Brooks, Canniff, Elliott, Fitzpatrick, Heath, Knowles, Morton, Nelson, Rankin, Steward, Shively, Scott, Wood and Mr. Speaker.

There being a tie vote, the Speaker declared that the motion was lost.

Mr. Wood moved that the House agree to the report of the Committee on Judiciary.

Mr. Lombard moved to amend by striking out all after the enacting clause.

Mr. Cornwell moved a call of the House, which was ordered.

Mr. Heath moved that further proceedings under the call of the House be dispensed with.

Yeas and nays ordered.

Yeas—18. Nays—14.

Yeas, Messrs. Bartlett, Brooks, Chandler, Canniff, Dutton, Heath, Knowles, Lindsay, Murphy, Morton, Robertson, Rankin, Steward, Shively, Sheldon, Scott, Wood and Mr. Speaker.

Nays, Messrs. Brown, Cornwell, Cave, Elliott, Fitzpatrick, Lombard, McMath, Noel, Nelson, Reynolds, Sopris, Vanderslice, Whitehead and Wagstaff.

So the motion prevailed.

The question recurring upon the motion of Mr. Lombard, to strike out all after the enacting clause.

The yeas and nays were ordered.

Yeas—13. Nays—20.

Yeas, Messrs. Brown, Cornwell, Cave, Dutton, Lombard, Murphy, McMath, Noel, Reynolds, Sopris, Vanderslice, Whitehead and Wagstaff.

Nays, Bartlett, Brooks, Chandler, Canniff, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lindsay, Morton, Nelson, Robertson, Rankin, Steward, Shively, Sheldon, Scott, Wood and Mr. Speaker.

So the motion was lost.

The question recurring upon the motion of Mr. Wood, to agree to the report of the Committee to strike out sections 5 and 6 in the Bill,

Mr. Wood demanded the previous question, which was sustained.

Yeas and nays were ordered upon the motion to agree to the report.

Mr. Cornwell asked to be excused from voting.

Objections being raised, Mr. Brown moved that Mr. Cornwell be excused.

Mr. Wood moved to lay the motion upon the table.

Yeas and nays were ordered.

Yeas—14. Nays—16.

Yeas, Messrs. Bartlett, Brooks, Chandler, Elliott, Fitzpatrick, Heath, Jones, Murphy, Morton, Robertson, Rankin, Wagstaff, Wood and Mr. Speaker.

Nays, Messrs. Brown, Blake, Canniff, Cave, Knowles, Lombard, Lindsay, McMath, Noel, Nelson, Reynolds, Steward, Shively, Scott, Sopris, Vanderslice and Whitehead.

So the motion was lost.

Mr. McMath moved to adjourn.

The Chair entertained the motion and decided it to be in order.

Mr. Nelson appealed from the decision of the Chair.

The yeas and nays were ordered.

Yeas—14. Nays—16.

Yeas, Messrs. Brown, Cornwell, Lombard, Murphy, McMath, Noel, Robertson, Reynolds, Steward, Scott, Sopris, Vanderslice, Whitehead and Wagstaff.

Nays, Messrs, Bartlett, Brooks, Chandler, Canniff, Cave, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lindsay, Morton, Nelson, Rankin, Shively and Wood.

So the Chair was overruled.

The question recurring upon the motion to excuse Mr. Cornwell,

The yeas and nays were ordered.

Yeas—9. Nays—18.

Yeas, Messrs. Chandler, Cave, Elliott, Lindsay, Murphy, Nelson, Wagstaff, Wood and Mr. Speaker.

Nays, Messrs. Brown, Bartlett, Brooks, Canniff, Fitzpatrick, Heath, Jones, Knowles, Lombard, McMath, Morton, Noel, Robertson, Rankin, Steward, Shively, Scott and Whitehead.

So the motion was lost.

Mr. Bartlett moved a call of the House, which was ordered, and the Sergeant-at-Arms directed to bring in absentees.

Absent members, Messrs. Brown, Blake, Cornwell, Dutton, Parks, Pierce, Reynolds, Sims, Sheldon, Scott, Sopris, Vanderslice and Wright.

Mr. Wood moved that the further proceedings under the call be dispensed with, and demanded the previous question.

Yeas and nays were ordered upon the demand for the previous question.

Yeas—22. Nays—7.

Yeas, Messrs. Bartlett, Brooks, Chandler, Canniff, Dutton, Elliott, Fitzpatrick, Heath, Knowles, Murphy, Morton, Noel, Nelson, Pierce, Robertson, Rankin, Steward, Shively, Sheldon, Scott and Sopris.

Nays, Messrs. Cave, Jones, Lombard, Lindsay, McMath, Whitehead and Wagstaff.

So the demand for the previous question was sustained.

The question recurring upon the motion of Mr. Wood to dispense with further proceedings under the call,

The yeas and nays were ordered.

Yeas—19. Nays—11.

Yeas, Messrs. Bartlett, Chandler, Canniff, Dutton, Elliott, Fitzpatrick, Heath, Knowles, Lindsay, Morton, Pierce, Robertson, Rankin, Shively, Sheldon, Scott, Sopris, Wood and Mr. Speaker.

Nays, Messrs. Brooks, Cave, Jones, Lombard, Murphy, McMath, Noel, Nelson, Steward, Whitehead and Wagstaff.

So the motion prevailed.

The question again recurring upon the motion to strike out the 5th and 6th sections in the Bill,

Mr. Wood demanded the previous question.

Yeas—24. Nays—5.

Yeas, Messrs. Bartlett, Brooks, Chandler, Canniff, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lombard, Lindsay, Morton, Nelson, Pierce, Robertson, Rankin, Steward, Shively, Scott, Sopris, Wood and Mr. Speaker.

Nays, Messrs. Murphy, McMath, Noel, Whitehead and Wagstaff.

So the demand for the previous question was sustained.'

The question being, "Shall the 5th and 6th sections in the Bill be stricken out?"

The yeas and nays were ordered.

Yeas—23. Nays—6.

Yeas, Messrs. Bartlett, Brooks, Chandler, Canniff, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lindsay, Morton, Nelson, Pierce, Robertson, Rankin, Steward, Shively, Scott, Wagstaff, Wood and Mr. Speaker.

Nays, Messrs. Lombard, Murphy, McMath, Noel, Sopris and Whitehead.

So the amendments of the Committee were agreed to, and the 5th and 6th sections were stricken out.

Mr. Parks moved to adjourn.

Mr. Parks asked to be excused from voting, and demanded the yeas and nays.

Ruled out of order by the Chair.

Mr. Parks appealed from the decision of the Chair, and demanded the yeas and nays, which were ordered.

Yeas—23. Nays—10.

Yeas, Messrs. Bartlett, Brooks, Chandler, Canniff, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lombard, Morton, Noel, Nelson, Pierce, Robertson, Rankin, Steward, Shively, Scott, Sopris and Wood.

Nays, Messrs. Brown, Blake, Cornwell, Murphy, McMath, Parks, Reynolds, Vanderslice, Whitehead and Wagstaff.

So the Chair was sustained.

The question recurring upon the motion to adjourn.

The yeas and nays were ordered.

Yeas—14. Nays—21.

Yeas, Messrs. Brown, Blake, Cornwell, Cave, Dutton, Lombard, McMath, Noel, Parks, Reynolds, Sopris, Vanderslice, Whitehead and Wagstaff.

Nays, Messrs. Bartlett, Brooks, Chandler, Canniff, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lindsay, Murphy, Morton, Nelson, Pierce, Robertson, Rankin, Steward, Shively, Scott, Wood and Mr. Speaker.

So the motion was lost.

Mr. Wood demanded the previous question upon the passage of the Bill.

Yeas and nays ordered.

Yeas—23. Nays—11.

Yeas, Messrs. Bartlett, Brooks, Chandler, Canniff, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Murphy, Morton, Nelson, Pierce, Robertson, Rankin, Steward, Shively, Scott, Sopris and Mr. Speaker.

Nays, Messrs. Brown, Blake, Cornwell, Lombard, McMath, Noel, Parks, Reynolds, Vanderslice, Whitehead and Wagstaff.

So the demand for the previous question was sustained.

Mr. Parks moved a call of the House.

Ruled out of order by the Chair.

Mr. Parks appealed from the decision of the Chair.

The vote being taken, the Chair was sustained.

The question being "Shall the Bill pass ?"

Yeas and nays ordered.

Yeas—20. Nays—11.

Yeas, Messrs. Bartlett, Brooks, Chandler, Cave, Elliott, Fitzpatrick, Heath, Jones, Knowles, Morton, Nelson, Pierce, Robertson, Rankin, Steward, Shively, Scott, Wood and Mr. Speaker.

Nays, Messrs. Brown, Cornwell, Lombard, Murphy, McMath, Noel, Reynolds, Sopris, Vanderslice, Whitehead and Wagstaff.

So the Bill passed.

The title was agreed to.

Mr. Wood moved to reconsider the vote.

Mr. Rankin moved to indefinitely postpone the motion to reconsider.

Carried.

On motion of Mr. Wood,

House adjourned.

REPORT OF COMMITTEE ON MAIL ROUTES.

The Special Joint Committee who were instructed to draft a plan of New Mail Routes in the Territory and memorial to Congress, asking that the same may be established, submit the following report, and recommend its adoption.

G. M. BEEBE,
Committee on the part of the Council.
A. BARTLETT,
S. G. ELLIOTT,
C. SIMS,
Committee on the part of the House.

MEMORIAL

TO CONGRESS AND POST MASTER GENERAL, FOR CERTAIN NEW MAIL ROUTES IN THE TERRITORY OF KANSAS, AND FOR CHANGES AND INCREASE OF SERVICE IN CERTAIN ROUTES THEREIN NAMED.

To the Honorable the Senate and House of Representatives of the United States and the Post Master General:

The Memorial of the Legislative Assembly of the Territory of Kansas respectfully represents:

That there is at present great lack of suitable and convenient mail facilities in the Territory. In some portions, many large settlements are ten, twenty and thirty miles from the nearest post office, and are forced to go that distance for all their mail.

All intercourse by mail with the Northern and Southern portions of the Territory, from the Western counties, has to be carried by way of Leavenworth, Lawrence or Topeka—long and circuitous routes, and after requiring several weeks for the transmission of mail matter to a point less, in a direct line, than fifty miles from the place of starting.

Some of the routes already established in our midst, are not best calculated to accommodate the greatest number of settlers in the vicinity through which they pass, ~~following~~, as they often do, upon routes where there are few or no settlers, where by a slight deviation, and with no increase of distance, many more persons could be accommodated. Therefore, believing that the new routes proposed in the appended schedule, and the changes recommended in the present established routes are calculated to subserve the best interest of the people of the Territory and are greatly demanded, your memorialists would respectfully recommend that the said schedule of new mail routes be established with service as therein specified, and that the changes of the present established routes be made as therein proposed.

NEW MAIL ROUTES.

No. —. From St. Joseph, Missouri, by Elwood, Bellmont, Troy, Hiawatha and Senaca, to Marysville, one hundred and twenty miles and back, three times a week.

No. —. From Atchison, by Lancaster, Muscotah, Holton, Louisville and St. George, to Manhattan, ninety miles and back, three times a week.

No. —. From Muscotah, by Eureka, America, Irving and Granite Falls, to Washington, in Washington county, one hundred miles and back, twice a week.

No. —. From Atchison, by Pardee, Grasshopper Falls and Mount Florence, to Topeka, fifty miles and back, daily.

No. —. From Emporia, by Elmendaro and Madison, to Eureka, Greenwood county, fifty miles and back, once a week.

No. —. From Leroy, by Belmont and Eureka, to Chelsea, Butler county, seventy-five miles and back, once a week.

No. —. From Burlingame, by Superior and Ottumwa, to Le Roy, eighty miles and back, once a week.

No. —. From Topeka, by Mission Creek and Springfield, to Council Grove, sixty miles and back, daily.

No. —. From Wilmington, by Watkins, Americus and Toledo, to Cottonwood Falls, forty miles and back, three times a week.

No. —. From Troy, by Doniphan, to Atchison, eighteen miles and back, daily.

No. —. From St. Joseph, Mo., by Palermo and Geary City, to Doniphan, eighteen miles and back, three times a week.

No. —. From Troy, by Walnut Grove, Highland and Iowa Point, to White Cloud, thirty miles and back, daily.

No. —. From St. Joseph, Mo., to Iowa Point, twenty miles and back.

No. —. From Pleasant Valley, N. T., by Cincinnati, Farmington, Central City, Seneca, America and Louisville, to St. George, —— miles and back, once a week.

No. —. From Wyandott, by Shawnee, Olathe, Gardner, Baldwin City and Burlingame, to Council Grove, one hundred and twenty-five miles and back, daily.

No. —. From Auburn, following the Territorial road by way of Mission Creek, Mill Creek, Clark's Creek, Lyon's Creek and Wyandott Creek, to Salina, —— miles and back, once a week.

No. —. From Osawatomie, Twin Springs, Mound City, Mapleton and Dayton, to Marmaton, fifty miles and back, three times a week.

No. —. From Marysville, by Cottonwood Trading Post, to Washington, Washington county, thirty-five miles and back, once a week.

No. —. From Ogden, by Bacheldor, Leon and the mouth of Paison's Creek, to Washington, seventy-five miles and back, once a week.

No. —. From Atchison, by Lancaster, to Hiawatha, thirty-five miles and back, three times a week.

No. —. From Lawrence to Paola, in Lykins county, forty miles and back, twice a week.

No. —. From Marysville, by Merimack, Timber City, St. George, Wabaunsee, Elma, Burlingame, Superior and Ohio City, to Moneka, one hundred and fifty miles and back, once a week.

No. —. From Cottonwood Falls, by Diamond Springs, to Junction City, sixty miles and back, once a week.

No. —. From Louisville, by Wabaunsee, to Council Grove, 50 miles and back, once a week.

No. —. From Spring Hill, by Black Jack and Minneola, to Burlingame, sixty miles and back, once a week.

No. —. From Osawatomie by Ohio City and Hastings to Emporia, seventy-five miles and back, once a week.

No. —. From Topeka, by Twin Mound, Peoria City, Minneola, Mount Vernon, Hastings, Lane City, Battle Hill, to Mound City, seventy miles and back, once a week.

ROUTES IN WHICH CHANGES ARE RECOMMENDED, AND INCREASE OF SERVICE DESIRED.

No. 15,059. Change so as to run from Rulo, Nebraska, by Hiawatha, Powhattan, Holton and Indianola, to Topeka, 120 miles and back, three times a week.

No. —. The route running from Harrisonville, Mo., to Paola, K. T., be extended by Peoria, Ohio City, Emporia, Margaretta and Marion, to Beach Valley, an additional distance of 200 miles.

No. 15,034. Change so as to run from Lawrence, by Wakarusa, Ottawa Creek, Peoria City, McKinney and Stanton, to Osawatomie, fifty miles and back, daily.

No. 15,037. Change so as to run from Lawrence, by Brooklyn, Prairie City, Ottawa Creek, Ohio City and Garnett, to Humboldt, 106 miles and back, twice a week.

No. 15,031. Change so as to run from Lawrence, by Bloomington, Richardson, Burlingame, Waterloo and Fremont to Emporia, sixty-eight miles and back, three times a week.

No. 15,028. Extend from LeRoy, by Burlington, Elmendaro, Madison Centre and Bronson's Crossing on Fall River to Chelsea, additional distance of seventy miles, increase service from once a week to twice a week.

No. 15,021. Change so as to run from Council Grove, by Americus, Fremont, Emporia, Elmendaro, LeRoy, Neosho Falls and Iola, to Fort Scott, 140 miles and back, once a week.

No. 15,007. Increase service from once a week to three times a week.

No. 15,023. Change so as to run from Osawatomie, by Walker and Garnett to Leroy, fifty miles and back, three times a week.

No. 15,035. Change so as to run from Topeka to Burlingame and Kansas Center, thirty-five miles and back, three times a week.

No. 15,028. Increase service from once a week to three times a week.

No. 15,047. Change so as to run from Leavenworth City, by Nuato, Easton, Shields, Osawkee, Mount Florence, Indianola, Silver Lake, St. Mary's Mission, Rock Creek, St. George, Manhattan, Ogden, Fort Riley and Junction City to Kansas Falls, 136 miles and back daily.

No. 15,038. Change so as to run from Louisville, Pottawattamie county, by Rockingham and Westmoreland to Marysville, seventy miles and back, three times a week.

No. 15,022. Change so as to run from Topeka, by Wabaunsee, Zeandale and Ashland to Fort Riley, seventy-six miles and back three times a week.

No. 10,532. Change so as to commence at Council Grove, K. T.; thence by Diamond Springs, Beach Valley, Pawnee Fork, Walnut Creek, Fort Union, N. M., Los Vegas and Tecolata to Santa Fe, N. M., 700 miles and back, once a week, and discontinue said route as far as Council Grove, K. T.

GUSTAVUS A. COLTON,
Speaker of the House of Representatives.

M. W. DELAHAY,
Chief Clerk.

TUESDAY, February 21, 1860,
9 o'clock, A. M.

House called to order by the Speaker.

Prayer by the Rev. Mr. Rankin.

Roll called.

Absentees, Messrs. Blake, Cornwell, Fitzpatrick, Lynde, Murphy, Nelson, Pierce, Reynolds, Rankin, Sims, Whitehead and Wagstaff.

Journal of yesterday read and approved.

Mr. Brown offered the following resolution, which was adopted:

Resolved, That the Hon. J. L. Pendry be invited to a seat within the bar of the House.

Mr. Fitzpatrick moved that the majority and minority reports of the Committee appointed to examine the awards of the Claim Commissioners be withdrawn from the hands of the printer.

Mr. Wood moved to lay the motion upon the table.

Yeas and nays were ordered.

Yeas—13. Nays—17.

Yeas, Messrs. Brooks, Dutton, Heath, Jones, Lindsay, McMath, Morton, Pierce, Robertson, Rankin, Shively, Wood and Mr. Speaker.

Nays, Messrs. Brown, Bartlett, Chandler, Cornwell, Cave, Elliott, Fitzpatrick, Lombard, Murphy, Nelson, Parks, Reynolds, Steward, Sims, Scott, Vanderslice and Whitehead.

So the motion to lay upon the table was lost.

The question recurring upon the motion to withdraw the report from the hands of the printer.

Mr. Fitzpatrick demanded the previous question, which was sustained.

The yeas and nays ordered upon the motion to withdraw the report.

Yeas—14. Nays—16.

Yeas, Messrs. Bartlett, Cornwell, Cave, Elliott, Fitzpatrick, Lombard, Murphy, Reynolds, Steward, Sims, Scott, Vanderslice and Whitehead.

Nays, Messrs. 'Brooks, Chandler, Dutton, Heath, Jones, Knowles, Lindsay, McMath, Morton, Nelson, Pierce, Robertson, Rankin, Shively, Wood and Mr. Speaker.

So the motion to withdraw the reports was lost.

Mr. Colton offered the following resolution, which was adopted:

Resolved, That the Hon. Harry Torry and James H. Phillips, Esq., be invited to a seat within the bar of this House, and the Sergeant-at-Arms instructed to furnish them seats.

Mr. Sims, from the Committee on Enrolled Bills, submitted the following report:

Mr. Speaker:—The Committee on Enrolled Bills having examined House Bills No. 115, "An Act to incorporate the Palermo Coal Mining Company."

No. 200, "An Act making citizens of certain Indians in Kansas Territory."

No. 261, "An Act to incorporate the Carlyle Town Company."

No. 339, "An Act relating to County Orders for the county of Shawnee."

No. 223, "An Act to repeal all that portion of an Act entitled 'An Act to establish a Code of Civil Procedure,' approved Feb. 11, 1859, relating to executions against the person."

No. 188, "An Act to incorporate the Coffey County Agricultural Society."

No. 169, "An Act to establish a Poor House in Leavenworth county and to provide for the maintenance of the same."

No. 154, "An Act to provide for the partition of Real Estate."

C. SIMS.

The special order being the consideration of the veto message of the Governor, to House Bill No. 6, "An Act to prohibit Slavery and Involuntary Servitude in Kansas," was taken up.

Mr. Sims moved a call of the House.

Yeas and nays ordered.

Yeas—13. Nays—17.

Yeas, Messrs. Brown, Cornwell, Fitzpatrick, Lombard, Murphy, Nelson, Parks, Robertson, Reynolds, Steward, Sims, Vanderslice and Whitehead.

Nays, Messrs. Bartlett, Brooks, Cave, Dutton, Elliott, Heath, Jones, Knowles, Lindsay, McMath, Morton, Pierce, Rankin, Shively, Scott, Wood and Mr. Speaker.

So the motion was lost.

The veto message of the Governor was taken up and read from the Clerk's desk by the Governor's Private Secretary.

On motion of Mr. McMath,

House adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

Mr. McMath moved a call of the House, which was ordered, and the Sergeant-at-Arms directed to bring in absentees.

Absent members, Messrs. Blake, Brooks, Parks, Murphy, Morton, Wright and Chandler.

The Sergeant-at-Arms returned with Messrs. Morton, Chandler, Murphy, Reynolds, Brooks, and

On motion of Mr. Wood, the further proceedings under the call were dispensed with.

The consideration of the veto message of the Governor, to House Bill No. 6, "An Act to prohibit Slavery in Kansas," was resumed.

Mr. Wood demanded the previous question upon the passage of the Bill, which was sustained.

The question being, "Shall the Bill pass, the Governor's objections to the contrary notwithstanding?"

Yeas and nays ordered.

Yeas—30. Nays—7.

Yeas, Messrs. Brown, Bartlett, Brooks, Chandler, Canniff, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lynde, Lindsay, Morton, Nelson, Parks, Pierce, Robertson, Rankin, Steward, Sims, Shively, Sheldon, Scott, Sopris, Wagstaff, Wood and Mr. Speaker.

Nays, Messrs. Lombard, Murphy, McMath, Noel, Reynolds, Vanderslice and Whitehead.

So the Bill passed.

Mr. Brooks, from the Committee on Corporations and Banking, submitted the following report:

The Committee on Corporations having had under consideration House Bill No. —, entitled "An Act to amend and consolidate the several Acts relating to the City of Lawrence," beg leave to report the same, and recommend its passage without amendment.

P. R. BROOKS, Chairman.

On motion of Mr. Brooks, House Bill No. —, "An Act to amend an Act consolidating the several Acts relating to the city of Lawrence," was taken up.

Read a third time and

Passed.

The title was agreed to.

Mr. Sheldon, from the Committee on Engrossed Bills, submitted the following report:

The Committee on Engrossed Bills have examined the following Bills:
House Bill No. 256, "An Act to amend an Act entitled 'An Act regulating the Jurisdiction and Procedure before Justices of the Peace, and of the duties of Constables in civil cases.'"
Also, "An Act for the benefit of Farmers."
House Bill No. 375.
Also, "An Act to incorporate the Wyandott City Insurance Company," and find them to be correctly engrossed.
O. H. SHELDON, Chairman.

Mr. Brooks, from the Committee on Corporations and Banking, submitted the following report:

The Committee on Corporations, having had under consideration House Bill No. 388, entitled "An Act to provide for supplying the City of Leavenworth with pure Water," report the same and recommend its passage with the following amendment, to wit:
Add, Sec. 10. All the powers, privileges, rights and provisions of this act, be, and the same are hereby conferred on C. W. Babcock, G. W. Deitzler, Albert G. Brooks and George A. Reynolds, their associates and assigns, under the name and style of the "Lawrence City Water Works Company," and said company is hereby authorized and empowered to proceed under the provisions of this act, and do the same things in the city of Lawrence as fully and absolutely as if they had been specially chartered in a separate act.
Change section 10 to section 11.
P. R. BROOKS, Chairman.

On motion of Mr. Murphy, House Bill No. 387, "An Act to provide for supplying the City of Leavenworth with pure Water," was taken up.

The Bill was read a third time and

Passed.

On motion of Mr. Brooks, the title was so amended as to read, "An Act to supply the Cities of Leavenworth and Lawrence with pure Water."

Mr. Brooks, from the Committee on Corporations, submitted the following report:

The Committee on Corporations and Banking, having had under consideration House Bill No. 235, report the following substitute and recommend its passage.

P. R. BROOKS, Chairman.

The report was agreed to and the substitute adopted.

On motion of Mr. Wood, the substitute as reported by the Committee was taken up.

Read a third time and

Passed.

The title was agreed to.

Mr. Sims, from the Select Committee, submitted the following report:

MR. SPEAKER:—The Select Committee to whom was referred House Bill No. 361, have considered the same and recommend the passage of the following substitute, instead of the original Bill.

CHAS. SIMS,
R. SOPRIS,
STEWARD.

Mr. Sims, from the Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER:—House Bills No. 148, 279, 41, 228 and 170, are truly enrolled.

C. SIMS, Chairman.

Mr. McMath offered the following resolution:

Resolved, That 1000 copies of the Governor's veto message of the Bill prohibiting slavery in this Territory, be printed for the use of the members of this House.

Mr. Bartlett moved that the resolution be indefinitely postponed.

Yeas and nays ordered.

Yeas—13. Nays—22.

Yeas, Messrs. Bartlett, Brooks, Chandler, Cave, Dutton, Elliott, Fitzpatrick, Lynde, Morton, Nelson, Pierce, Robertson and Wood.

Nays, Messrs. Cornwell, Heath, Jones, Knowles, Lombard, Lindsay, Murphy, McMath, Noel, Parks, Reynolds, Rankin, Steward, Sims, Shively, Scott, Sopris, Vanderslice, Whitehead, Wagstaff and Mr. Speaker.

So the motion was lost.

The question recurring upon the motion to accept the resolution, it prevailed.

Mr. McMath offered the following resolution:

Resolved, That 500 extra copies of the Governor's veto message of the Bill prohibiting slavery in this Territory, be printed for the use of the members.

Yeas and nays ordered upon the adoption of the resolution.

Yeas—14. Nays—20.

Yeas, Messrs. Brown, Cornwell, Murphy, McMath, Noel, Parks, Reynolds, Rankin, Steward, Vanderslice, Whitehead, Wagstaff. Wood and Mr. Speaker.

Nays, Messrs. Bartlett, Chandler, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lombard, Lynde, Lindsay, Murphy, Morton, Nelson, Pierce, Robertson, Sims, Shively, Scott and Sopris.

So the resolution was lost.

Mr. Brown offered the following resolution, which was adopted:

Resolved, By the House of Representatives, the Council concurring, that the Docket Clerk of the two Houses shall on tomorrow, furnish to the two Houses a complete list of all acts which have passed both Houses.

Mr. Lindsay, from the Committee on Agriculture, submitted the following report:

The Committee on Agriculture have had under consideration Council Bill No. 103, "An Act incorporating the Southern Kansas Agricultural College," and recommend its passage.

Also, House Bill No. 400, "An Act incorporating the Doniphan County Agricultural Society," and recommend its passage.

Also, House Bill No. 370, "An Act to protect property in Horses," and recommend its passage.

THOMAS LINDSAY, Chairman.

The report was read and agreed to.

Mr. Lynde, from the Committee on County Lines, submitted the following report:

Mr. Speaker:—The Committee on County Lines and County Seats, to whom was referred House Bill No. 411, "An Act to change the boundary between the counties of Coffey and Woodson," have examined the same and report the Bill back to the House for its consideration.

E. LYNDE, Chairman.

On motion of Mr. Parks, Council Bill No. 88 was taken up.

Read a third time and

Passed.

The title was agreed to.

Mr. Wood, from the Judiciary Committee, submitted the following report:

The Committee to whom the following Bills were referred, report them back and recommend their passage to wit:

Council Bill No. 139, "An Act to Divorce William Henry and Mary Jane Henry."

Council Bill No. 46, "An Act for the payment of costs in certain cases, and for other purposes."

House Bill No. 387, "An Act for the relief of Jefferson county."

House Bill No. 415, "An Act to amend an Act therein named."

House Bill No. 417, "An Act Divorcing William Pine and Jane Pine."

Council Bill No. 160, "An Act to authorise Douglas county to issue Bonds."

House Bill No. 386, "An Act for the relief of James R. Whitehead."

Also, Council Joint Resolution No. 2, viz: Preamble and Joint Resolution, Memorilizing the President and Congress in relation to the Indian lands.

We also report back House Bill No. 398, "An Act to amend an Act regulating Conveyances," and recommend its indefinite postponement.

S. N. WOOD, Chairman.

Mr. Robertson, from a Special Committee, submitted the following report:

Mr. Speaker:—The Special Committee, to whom was referred House Bill No. 393, "An Act amendatory of an Act entitled 'An Act extending the time for the payment of Taxes in Doniphan county, K. T.,'" beg leave to report that they have had the same under consideration, and recommend its passage without amendments.

H. ROBERTSON,
C. B. WHITEHEAD,
F. LOMBARD.

House Bill No. 393, was taken up, "An Act amendatory of an Act entitled 'An Act extending the time for the payment of Taxes in Doniphan county.'"

Read a third time and

Passed.

The title was agreed to.

Mr. Whitehead, from a Special Committee, submitted the following report:

Mr. Speaker:—The Special Committee, to whom was referred Council Bill No. 192, "An Act to divorce M. F. Greer and Matilda Greer," have had the same under consideration, and recommend its passage without amendment.

The Committee to whom was referred Council Bill No. 117, "An Act to divorce O. B. Bromly and Abziner E. Bromly," report the same and recommend its passage.

The Special Committee, to whom was referred Council Bill No. 167, "An Act to divorce Edward Palmer and Dinah Palmer," have had the same under consideration, and recommend its passage.

The Special Committee, to whom was referred Council Bill No. 137, "An Act to divorce Jane G. Burditt," report the same without recommendation.

The Special Committee, to whom was referred Council Bill No. 118, have had the same under consideration, and report the same back and recommend its passage without amendment.

The Special Committee, to whom was referred Council Bill No. 142, "An Act to divorce Henry Leis and Catharine Leis," report the same back, and recommend its passage.

C. B. WHITEHEAD,
G. W. NELSON.

Mr. Pierce, from the same Committee, made the following minority report:

Mr. Speaker:—The minority of the Special Committee to whom was referred a peck measure (more or less) of Bills, divorcing certain individuals in different portions of North America, would ask leave to report that they recommend the indefinite postponement of the whole batch, for the following reasons, to wit: First, The action of this Legislature in relation to granting divorces, up to the present time, is sufficient to scandalize any Legislature outside of Salt Lake, and in the opinion of the minority of your Committee, a different course of action should now be pursued. Second, That a general divorce law has just passed this Legislature sufficiently liberal in its provisions to gratify the desires of the most ardent free lovers, in the opinion of the minority of your Committee.

G. G. PIERCE.

Mr. Scott moved that the House agree to the report of the minority Committee.

Mr. Lynde moved to amend by agreeing to the report of the majority Committee.

Yeas and nays ordered.

Yeas—19. Nays—10.

Yeas, Messrs. Brown, Brooks, Cornwell, Dutton, Elliott, Fitzpatrick, Heath, Lombard, Lynde, Noel, Nelson, Parks, Robertson, Steward, Sims, Sopris, Vanderslice, Whitehead, Wood and Mr. Mr. Speaker.

Nays, Messrs. Bartlett, Chandler, Cave, Knowles, Lindsay, Morton, Pierce, Shively, Scott and Wagstaff.

So the report of the majority of the Committee was agreed to.

Mr. Sims, from the Committee on Enrolled Bills, submitted the following report:

Mr. Speaker:—House Bill No. 350, entitled "An Act to charter a Ferry across Smoky Hill river," is truly enrolled.

Mr. Sopris introduced House Bill No. —, "An Act to incorporate the South Platte River Improvement and Lumbering Company."

Bill read a first time.

Rules suspended.

Read a second and third time and

Passed.

The title was agreed to.

Mr. Brown, from a Committee to whom was referred House Bill 425, submitted the following report:

Mr. Speaker:—Your Committee to whom was referred House Bill No. 425, have had the same under consideration, and beg leave to report the same back without amendment and recommend its passage.

F. BROWN, Chairman.

House Bill No. 425 was taken up.

Read a third time and

Passed.

The title was agreed to.

Mr. Nelson, from a Special Commlttee, submitted the following report:

The Special Committee to whom was referred Council Bill No. 168, "An Act divorcing John H. Furman and Julia Furman," have had the same under consideration, and report the same back and recommend its indefinite postponement.

G. W. NELSON,
G. G. PIERCE,
C. B. WHITEHEAD.

On motion of Mr. Parks, the Bill was laid on the table.

Council Bill No. 168, "An Act divorcing John Palmer and Julia Palmer," was taken up, and

On motion of Mr. Parks, was laid on the table.

Mr. Morton, from a Select Committee, submitted the following report:

Mr. Speaker:—The Special Committee to whom was referred House Bill No. 65, instruct me to report the same back without recommendation.

P. G. D. MORTON, Chairman.

House Bill No. 65 was taken up, "An Act defining the boundary of Madison and Breckenridge counties."

Mr. Morton moved that the Bill be indefinitely postponed.

Yeas and nays were ordered.

Yeas—18. Nays—17.

Yeas, Messrs. Bartlett, Brooks, Canniff, Cornwell, Dutton, Heath, Knowles, Lindsay, McMath, Morton, Noel, Robertson, Reynolds, Sheldon, Scott, Vanderslice and Mr. Speaker.

Nays, Messrs. Brown, Chandler, Cave, Elliott, Fitzpatrick, Jones, Lombard, Lynde, Nelson, Parks, Pierce, Steward, Sims, Shively, Whitehead, Wagstaff and Wood.

So the motion prevailed.

Mr. Morton, from a Special Committee, submitted the following report:

Mr. Speaker:—The Special Committee on House Bill No. 365 have had the same under consideration and instructed me to report the same back and recommend its indefinite postponement.

P. G. D. MORTON,
CORNWELL.

House Bill No. 365, "An Act relating to information in the District Courts," was taken up.

On motion of Mr. Nelson the Bill was indefinitely postponed.

Mr. Cornwell introduced House Bill No. —, "An Act for the Temporal Salvation of the People of Kansas."

Bill read a first time and

Referred to a Select Committee of three, with instructions to report by ten o'clock to-morrow morning.

The Chair appointed as said Committee Messrs. Cornwell, Sims and Morton.

Mr. Sopris introduced House Bill No. 428, "An Act supplemental to an Act entitled 'An Act to incorporate the American Mining Company.'"

Bill read a first time.

Rules suspended.

Read a second and third time and

Passed.

The title was agreed to.

House Bill No. 170, "An Act extending the time for the payment of Taxes in Leavenworth county," was taken up.

On motion of Mr. Parks, the amendments of the Council were concurred in.

Council Bill No. 39, "An Act to provide for the raising of a Tax in Pottawatamie county," was taken up, with the objections of the Governor thereto, which were ordered to be spread upon the Journals of this House.

The question being "Shall the Bill pass, the Governor's objections to the contrary notwithstanding?"

Yeas and nays were ordered.

Yeas—23. Nays—8.

Yeas, Messrs. Bartlett, Brooks, Chandler, Canniff, Cave, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lynde, Lindsay, Morton, Nelson, Parks, Pierce, Robertson, Steward, Shively, Scott, Sopris, Wood and Mr. Speaker.

Nays, Messrs. Cornwell, Heath, Lombard, McMath, Noel, Reynolds, Vanderslice and Whitehead.

So the Bill passed, the Governor's objections to the contrary notwithstanding.

Mr. Brooks, from the Committee on Corporations and Banking, submitted the following report:

The Committee on Incorporations, having had under consideration House Bill No. 422, entitled "An Act to incorporate the Lawrence Gas Light Company," beg leave to report the same without amendment and recommend its passage.

P. R. BROOKS, Chairman.

The Committee on Corporations, having had under consideration Council Bill No. 153, entitled "An Act to incorporate the Western Coal and Mining Company," report the same and recommend its passage without amendment.

P. R. BROOKS, Chairman.

On motion of Mr. Parks, House Bill No. 422, "An Act to incorporate the Lawrence Gas Light Company," was taken up.

Bill read a third time and

Passed.

The title was agreed to.

House Bill No. 153, "An Act to incorporate the Western Coal and Mining Company," was taken up.

The Bill was read a third time and

Passed.

The title was agreed to.

Mr. Parks introduced House Bill No. 424, "An Act to divorce Delos L. Parker and Eliza C. Parker."

Read a first time.

Rules suspended.

Read a second time and

Referred to Committee on Judiciary.

Mr. Brown introduced House Bill No. 425, "An Act amending an Act to incorporate the Leavenworth City Gas Light Company."

Read a first time.

Rules suspended.

Read a second time and

Referred to a Special Committee, Messrs. Brown, Parks and Cornwell.

Mr. Wood introduced House Bill No. 426, "An Act divorcing Lydia W. Peck and U. N. Peck."

Read a first time.

Rules suspended.

Read a second time and

Referred to Committee on Judiciary.

Mr. Cornwell introduced House Bill No. 427, "An Act for temporal Salvation of the People of Kansas."

Read a first time.

Rules suspended.

Read a second time and

Referred to a Special Committee, Messrs. Cornwell, Sims and Morton.

Mr. Knowles introduced House Bill No. 428, "An Act supplemental to an Act to incorporate the American Mining Company."

Read a first time.

Rules suspended.

Read a second and third time and

Passed.

The title was agreed to.

Mr. Brooks introduced House Bill No. 429, "A Bill to provide for the election of a Commissioner to take charge of the Public Property at Lecompton."

Read a first time.

Rules suspended.

Read a second time and

Referred to a Special Committee, Messrs. Brooks, Rankin and Knowles.

Mr. —— introduced House Bill No. 430, "An Act to incorporate the Kearney Town Company."

Read a first time.

Rules suspended.

Read a second time and

Referred to Committee on Corporations.

Mr. Wood introduced House Bill No. 431, "An Act for the relief of James Libey."

Read a first time.

Rules suspended.

Read a second time and

Referred to Committee on Corporations.

House Bill No. 295, "An Act to provide for a new assessment of Taxes in Breckenridge county," was taken up.

Bill read a third time and

Passed.

The title was agreed to.

Council Bill No. 185, "An Act to incorporate the Quindaro and Shawnee Bridge and Railroad Company," was taken up, and

On motion of Mr. McMath, the House disagreed to the report of the Committee on Corporations.

The Bill was read a third time and

Passed.

Title was agreed to.

Mr. McMath moved to adjourn to 7 o'clock this evening.

Mr. Parks moved to amend by inserting to-morrow morning at 9 o'clock.

Yeas and nays ordered.

Yeas—12. Nays—17.

Yeas, Messrs. Brooks, Cornwell, Cave, Dutton, Fitzpatrick, Heath, Lombard, Parks, Robertson, Steward, Vanderslice and Whitehead.

Nays, Messrs. Bartlett, Chandler, Canniff, Elliott, Jones, Knowles, Lynde, Lindsay, McMath, Morton, Nelson, Pierce, Reynolds, Shively, Scott, Wood and Mr. Speaker.

So the motion was lost.

The question recurring upon the motion to adjourn until 7 o'clock this evening, it prevailed.

EVENING SESSION.

SEVEN O'CLOCK.

Council Bill No. 213, "An Act providing for the location of the county seat of Franklin county," was taken up.

Bill read a second and third time, and

Passed.

The title was agreed to.

House Bill No. 329, "An Act amendatory to an Act exempting certain Property from Sale, on Execution or other process," was taken up.

Bill read a third time and

Passed.

The title was agreed to.

Council Bill No. 106, "An Act to incorporate the Cinabar Mining Company," was taken up.

Bill read a second time.

Rules suspended.

Read a third time and

Passed.

Title was agreed to.

Council Bill No. 164, "An Act to incorporate the Leavenworth City and Santa Fe Railroad Company," was taken up.

Read the first time.

Rules suspended.

Read a second time and

Referred to the Committee on Corporations.

Council Bill No. 175, "An Act relating to sales of Real Property," was taken up.

Read a first time.

Rules suspended.

Read a second time and

Referred to the Committee on Judiciary.

Council Bill No. 182, "An Act to incorporate the Prairie City Seminary," was taken up.

Read a first time.

Rules suspended.

Read a second time and

Referred to Committee on Corporations.

Council Bill No. 201, "An Act supplemental to an Act, entitled 'An Act establishing the boundaries of Davis county,'" was taken up.

Read a first time.

Rules suspended.

Read a second time and

Referred to Committee on County Lines.

Council Bill No. 202, "An Act supplemental to an Act to incorporate Junction City," was taken up.

Read a first time.

Rules suspended.

Read a second time and

Referred to the Committee on Corporations.

Council Bill No. 207, "An Act to provide for paying over of certain Territorial Taxes," was taken up.

Read a first time.

Rules suspended.

Read a second time and

Referred to the Committee on Ways and Means.

House Bill No. 346, "An Act to provide for opening a Territorial Road," was taken up, and

On motion of Mr. Pierce, was postponed and made the special order of to-morrow at 11 o'clock.

House Joint Resolution No. 4, was taken up, Joint Resolution memorializing Congress for an additional United States District Judge of K. T.

Read a second and third time, and

Adopted.

Council Bill No. 138, "An Act to amend an Act entitled 'An Act defining the Judicial Districts of the Territory,'" was taken up, and

On motion of Mr. Wood, referred to a Special Committee, Messrs. Wood, Scott and Wagstaff.

Message from the Council:

Mr. Speaker:—The Council direct me to notify the House that they have concurred in House Concurrent Resolutions No. 15.

Also, that they have passed House Bill 269, "An Act for the relief of Insolvent Debtors."

House Bill 373, "An Act legalizing Wire Fence."

House Bill 383, "An Act to vacate certain Streets in Lexington, in Johnson county."

House Bill 286, "An Act relating to the commitment of Prisoners."

House Bill 309 "An Act to incorporate the city of Paola."

House Bill 372, "An Act to authorize the city of Leavenworth to issue Bonds for Railroad purposes," without amendments.

Council Bill No. 196, "An Act to define the west boundaries of Cherokee county, and the east and west boundary of Neosho county."

Your concurrence is desired.

JOHN J. INGALLS,
Secretary.

House Bill No. 302, "An Act to amend an Act entitled 'An Act regulating Procedure before Justices of the Peace and of the duties of Constables in Civil Cases," was taken up.

Mr. Cave offered a substitute for the Bill, which was read and

Adoptod.

The Substitute was read a third time, and

Passed.

The title was agreed to.

Council Bill No. 90, "An Act to charter a Ferry across the Smoky Hill river," was taken up.

The amendments of the Committee were agreed to, and

The Bill passed.

The title was agreed to.

Council Bill No. 170, "An Act to change the name of Lykins county," was taken up.

Mr. Wood in the chair.

Mr. Colton moved to indefinitely postpone the Bill.

Yeas and nays ordered.

Yeas—14. Nays—16.

Yeas, Messrs. Chandler, Cave, Dutton, Lombard, Lindsay, Noel, Robertson, Reynolds, Steward, Sopris, Vanderslice, Whitehead, Wagstaff and Mr. Speaker.

Nays, Messrs. Bartlett, Canniff, Elliott, Fitzpatrick, Jones, Knowles, Lynde, Murphy, McMath, Morton, Nelson, Pierce, Rankin, Shively, Scott and Wood.

So the motion was lost.

Mr. Wagstaff moved to postpone the Bill, and make it the special order of 10 o'clock, to-morrow.

Lost.

The question recurring upon the final passage of the Bill, Mr. Bartlett called for the previous question, which was sustained.

Yeas and nays ordered upon the final passage of the Bill.

Yeas—20. Nays—10.

Yeas, Messrs. Bartlett, Chandler, Canniff, Elliott, Fitzpatrick, Jones, Knowles, Lynde, Murphy, McMath, Morton, Noel, Nelson, Pierce, Rankin, Sheldon, Scott, Sopris, Wood and Mr. Speaker.

Nays, Messrs. Cave, Dutton, Lombard, Lindsay, Robertson, Reynolds, Steward, Vanderslice, Whitehead and Wagstaff.

So the Bill passed.

The title was agreed to.

Mr. Morton moved to reconsider the vote.

Mr. Bartlett moved to indefinitely postpone the motion to reconsider.

Yeas and nays ordered.

Yeas—17. Nays—11.

Yeas, Messrs. Bartlett, Chandler, Canniff, Elliott, Fitzpatrick, Jones, Lynde, McMath, Morton, Noel, Nelson, Pierce, Robertson, Shively, Sopris, Wood and Mr. Speaker.

Nays, Messrs. Cave, Dutton, Knowles. Lombard, Lindsay, Reynolds, Rankin, Steward, Scott, Vanderslice and Wagstaff.

So the motion prevailed.

Message from the Council:

Mr. Speaker:—The Council direct me to notify the House that they have passed House Bill No. 112, "An Act to authorize the city of Wyandott to sell and convey certain Real Estate."

House Bill No. 36, "An Act to incorporate the Pike's Peak Mining Company."

House Bill No. 35, "An Act to incorporate the Gaston Quartz Mining Company."

House Bill 37, "An Act to incorporate the Denver, Auraria and Colorado Wagon Road Company."

House Bill No. 133, "An Act to incorporate the Big Stranger River Bridge Company."

House Bill No. 184, "An Act supplemental to an Act incorporating the Topeka Cemetery Association."

House Bill No. 212, "An Act to establish a Ferry across the Kansas river at Wabaunsee."

House Bill No. 333, "An Act to repeal an Act to incorporate the St. Charles Town Company."

House Bill No. 277, "An Act to incorporate the Wabaunsee County Agricultural Society."

House Bill 276, "An Act to incorporate the Jefferson Quartz Mining Company."

House Bill 249, "An Act to establish a Ferry across the Missouri River at Kickapoo," without amendment.

House Bill No. 216, "An Act incorporating the Kansas Scientific and Literary Institute," with the following amendment:

Strike out "which" in section 1, and read "one acre of ground with the building thereon."

House Bill No. 139, "An Act to incorporate the Arrapahoe County Gas Light Company," with the following amendment:

Insert in section 1 the name of "Robert C. Miller."

House Bill No. 125, "An Act to incorporate the Denver City and Beaver Creek Wagon Road and Bridge Company," with the following amendment:

Sec. 1, insert the name of "Asaph Allen."

House Bill No. 39, "An Act to incorporate the Quartz Lead Mining Company," with the following amendment:

In Sec. 1, insert the name of "Frederick Emery."

House Bill No. 34, "An Act for the incorporation of the Colorado Mining Company," with the following amendment:

In Sec. 1, insert the name of "Robert C. Miller."

Council Bill No. 76, "An Act to provide for the permanent location of the Seat of Justice of Jefferson county."

Council Bill No. 110, "An Act relating to Land Titles in the City of Lawrence."

Council Bill No. 187, "An Act to authorize Robert C. Bishop to keep a Ferry at Lecompton."

Council Bill No. 191, "An Act to provide a Revenue for the year A. D., 1860."

Council Bill No. 199, "An Act to authorize the city of Wyandott to purchase the Wyandott Bridge."

Council Bill No. 134, "An Act to incorporate the inhabitants of Franklin, Douglas county."

Council Bill No. 135, "An Act to amend the charter of the city of Atchison."

Council Bill No. 140, "An Act to incorporate the Doniphan Extension Company."

Council Bill No. 143, "An Act to charter a Ferry at the Range Line, between 23 and 24, in Johnson county."

Council Bill No. 159, "An Act to incorporate the Parkville Town Company."

Council Bill No. 161, "An Act to incorporate the Cosho Town Company."

Council Bill No. 162, "An Act to incorporate the Pennington Town Company."

Council Bill No. 171, to incorporate the Hampden Congregational Society."

Council Bill No. 172, "An Act to incorporate the Neosho Town Company."

Council Bill No. 174, "An Act to provide for the incorporation of Building Loan Associations."

Council Bill No. 125, "An Act incorporating the Pike's Peak and South Park Wagon Road Company."

Council Bill No. 189, "An Act amending an Act entitled 'An Act to establish a Code of Civil Procedure.' "

Council Bill No. 190, "An Act to organize the county of Irving and define the boundaries thereof."

Your concurrence is desired.

JOHN J. INGALLS,
Secretary.

The Bill introduced by the Joint Committee was taken up, "An Act to establish certain Territorial Roads."

Mr. Lynde in the chair.

Mr. Scott moved that the Bill be read a third time.

Upon which Mr. Rankin demanded the previous question, which was sustained.

The question being "Shall the Bill be read a third time?"

The yeas and nays were demanded.

Yeas—19. Nays—11.

Yeas, Messrs. Chandler, Fitzpatrick, Heath, Knowles, Lindsay, Morton, Noel, Pierce, Robertson, Reynolds, Rankin, Steward, Shively, Scott, Sopris, Vanderslice, Wagstaff, Wood and Mr. Speaker.

Nays, Messrs, Bartlett, Cave, Dutton, Elliott, Jones, Lombard, Lynde, Murphy, McMath, Nelson and Whitehead.

So the motion was prevailed.

Mr. Bartlett asked leave to introduce a resolution.

Objections being raised,

Mr. Nelson moved that Mr. Bartlett be allowed to introduce the resolution.

The Chair held it to be a debatable question.

Mr. Scott appealed from the decision of the Chair.

Yeas and nays ordered.

Yeas—8. Nays—17.

Yeas, Messrs. Bartlett, Cave, Dutton, Fitzpatrick, Jones, Lombard, Murphy and Nelson.

Nays, Messrs. Chandler, Heath, Knowles, Lindsay, McMath, Morton, Pierce, Robertson, Reynolds, Rankin, Steward, Shively, Scott, Vanderslice, Wagstaff and Wood.

So the Chair was overruled.

The question being upon the motion to allow Mr. Bartlett to introduce the resolution,

Mr. Wood moved to lay the motion upon the table.

Yeas and nays ordered.

Yeas—17. Nays—11.

Yeas, Messrs. Chandler, Canniff, Fitzpatrick, Knowles, Lindsay, Morton, Pierce, Robertson, Reynolds, Rankin, Steward, Shively, Scott, Sopris, Vanderslice, Wood and Mr. Speaker.

Nays, Messrs. Bartlett, Cave, Dutton, Elliott, Heath, Jones, Lombard, Murphy, Nelson, Whitehead and Wagstaff.

So the motion prevailed.

Mr. Wood moved that the Bill be read a third time, and demanded the previous question, which was sustained.

Yeas and nays ordered, upon the motion to order the Bill to a third reading.

Yeas—18. Nays—9.

Yeas, Messrs. Chandler, Fitzpatrick, Knowles, Lynde, Lindsay, Morton, Pierce, Robertson, Reynolds, Rankin, Steward, Shively, Scott, Sopris, Vanderslice, Wagstaff, Wood and Mr. Speaker.

Nays, Messrs. Bartlett, Canniff, Cave, Dutton, Elliott, Jones, Lombard, Murphy and Whitehead.

So the motion prevailed.

Mr. Bartlett called for the reading of the Bill.

Ruled out of order by the Chair.

Mr. Bartlett appealed from the decision of the Chair.

The vote being taken, the Chair was sustained.

A call of the House was ordered, and the Sergeant-at-Arms directed to bring in absentees.

Absent members, Messrs. Brown, Bartlett, Parks, Canniff, Cornwell, Cave, Dutton, Elliott, Jones, Lombard, Murphy, McMath, Noel, Brooks, Sims, Sheldon.

The Sergeant-at-Arms returned with Messrs. Bartlett, Canniff, Cave, Elliott, Dutton and Murphy.

Mr. Wood moved that the further proceedings under the call be dispensed with.

Yeas and nays ordered.

Yeas—19. Nays—8.

Yeas, Messrs. Chandler, Fitzpatrick, Heath, Knowles, Lindsay, McMath, Morton, Pierce, Robertson, Reynolds, Rankin, Steward, Shively, Scott, Sopris, Vanderslice, Wood and Mr. Speaker.

Nays, Messrs. Bartlett, Cave, Dutton, Elliott, Lombard and Nelson.

So the further proceedings under the call were dispensed with.

The question recurring upon the final passage of the Bill,

Yeas and nays were ordered.

Yeas—19. Nays—6.

Yeas, Messrs. Bartlett, Chandler, Fitzpatrick, Knowles, Lynde, Lindsay, Morton, Pierce, Robertson, Reynolds, Rankin, Steward, Shively, Scott, Sopris, Vanderslice, Wagstaff, Wood and Mr. Speaker.

Nays, Messrs. Cave, Dutton, Heath, Lombard, Murphy and McMath.

So the Bill passed.

The title was agreed to.

Mr. Wood moved to reconsider the vote.

Mr. Rankin moved to lay the motion upon the table.

Carried.

On motion of Mr. Heath,

House adjourned.

GUSTAVUS A. COLTON,
Speaker of the House of Representatives.

M. W. DELAHAY,
Chief Clerk.

WEDNESDAY, February 22, 1860.,
9 o'clock A. M.

House called to order by the Speaker.

Roll called.

Absentees, Messrs. Brown, Blake, Parks, Cornwell, Morton, Sims, Noel, Wagstaff, Pierce and Vanderslice.

Journal of yesterday read and approved.

Mr. Whitehead asked that Mr. Blake be granted leave of absence for the remainder of the session.

Leave was granted.

Message from the Council:

MR. SPEAKER:—The Council direct me to notify the House that they have passed Council Bill No. 122, "An Act defining the mode of laying out and establishing Roads," and ask your concurrence.

JOHN J. INGALLS,
Secretary.

On motion of Mr. McMath the morning orders were dispensed with, and House Bill No. 382, "An Act to provide for a Revenue for the year 1859," was taken up.

Bill read a first and second time.

Mr. Nelson moved to strike out "3d line" in section 1.

Yeas and nays ordered.

Yeas—20. Nays—14.

Yeas, Messrs. Bartlett, Chandler, Canniff, Cornwell, Cave, Dutton, Knowles, Lombard, Lynde, Lindsay, Nelson, Pierce, Robertson, Reynolds, Steward, Sims, Shively, Sopris, Wagstaff and Wood.

Nays, Messrs. Brooks, Elliott, Fitzpatrick, Heath, Jones, Murphy, McMath, Morton, Parks, Rankin, Scott, Vanderslice, Whitehead and Mr. Speaker.

So the motion prevailed.

Mr. Sims moved to strike out the words "five mills" in the 1st section, 2d line.

Carried.

Mr. Sims moved to insert the words "three mills" therein.

Carried.

On motion of Mr. Wood, the words "eighteen hundred and fifty-nine" were stricken out in the title, and the words "eighteen hundred and sixty" inserted.

Mr. Lynde in the chair.

Mr. Colton moved to reconsider the vote, by which the amendment to the title was adopted.

Carried.

Mr. Colton moved to add to the words "fifty-nine" in the title, the words "and sixty."

Ruled out of order.

On motion of Mr. Bartlett, the House resolved itself into a Committee of the Whole, for the consideration of the Bill.

Mr. Bartlett in the chair.

After some time spent in the Committee of the Whole,

The Committee arose, and through their chairman reported the Bill back to the House for their consideration.

The report was agreed to.

Mr. Lynde in the Chair.

Mr. Colton moved that the Bill be read a third time.

Mr. Parks moved to amend by committing the Bill to a Select Committee of five.

Carried.

The chair appointed as said Committee, Messrs. Parks, Colton, Sims, Bartlett and Scott.

Message from the Governor:

EXECUTIVE OFFICE, K. T.,
Feb. 21, 1860.

To the Speaker of the House of Representatives:

I have this day approved House Bills "An Act to organize Clay county."

"An Act to incorporate the First Methodist Episcopal Church of Leavenworth, Kansas."

"An Act incorporating the Neosho Falls Cemetery Association."

"An Act to incorporate the Saratoga West Town Company."

"An Act to incorporate the University of Paola."

"An Act to incorporate Olathe Lodge No. 19, of Ancient Free and Accepted Masons."

"An Act to incorporate the Paola Mercantile Library and Literary Association."

"An Act to establish Peketon county."

"An Act to provide for the organization of the county of Washington, K. T.," and

"An Act to incorporate the Capitol Hydraulic Company of Arrapahoe county."

Respectfully,
S. MEDARY.

Message from the Governor:

EXECUTIVE OFFICE, K. T.,
February 20, 1860.

To the Speaker of the House of Representatives:

I have this day approved House Bill, "An Act to incorporate a Ferry across the Missouri River, at the city of Quindaro, K. T."

Message from the Council:

MR. SPEAKER:—The Council direct me to notify the House that they have passed House Bill No. 385, entitled "An Act defining the northern boundaries of Shawnee and Osage counties," without amendment.

JOHN J. INGALLS,
Secretary.

Message from the Council:

MR. SPEAKER:—The Council direct me to notify the House that they have passed Council Bill No. 214, entitled "An Act providing for the appointment of a Territorial Auditor, and describing the duties of his office."

House Bill No. 231, "An Act concerning Divorce and Alimony," with the following amendment, in which your concurrence is desired:

In section 1, add clause 4, "where the wife at the time of marriage was pregnant by another than her husband."

JOHN J. INGALLS,
Secretary.

House Bill No. 231, "An Act concerning Divorce and Alimony," was taken up.

Mr. Wood moved that the House concur in the Council amendments.

Carried.

House Bill No. 406, "An Act to provide for the assessment and collection of Taxes," was taken up.

Mr. Sims moved to insert the word "current" before "bank notes" in section 4.

The amendment was adopted.

Mr. Wood moved to strike out the words "not a married man" in 1st line of section 7.

Lost.

Mr. Cornwell moved to insert after the word "him" in section 9, the words "to persons residing in this Territory."

Carried.

Mr. Sims moved to strike out the words "any" and insert the word "such" in the 1st line of section 9.

The amendment was adopted.

Mr. Sims moved to reconsider the vote by which the amendment offered by Mr. Cornwell was inserted in section 9.

Carried.

The question being upon the adoption of the amendment, it was lost.

Mr. Sims moved to insert after the word "thereon" the words "and improvement," in section 11, second line.

Carried.

Mr. Sims moved to insert, after the word "property" in first line of section 11, the words "outside of any town, city or village, as mentioned in section 2."

The amendment was adopted.

On motion of Mr. Colton,

House adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

Roll called.

Mr. Wood offered the following resolution, which was adopted:

Resolved, That Wm. Lyon, assistant doorkeeper of this House, have leave of absence until Monday next.

The consideration of House Bill No. 406 was resumed, "An Act to provide for the assessment and collection of Taxes."

On motion of Mr. Sims, the words "and required" were inserted in section 13, seventh line, after the word "authorized."

On motion of Mr. Sims, the words "not less than fifty" were added to Section 18, after the words "five hundred dollars."

On motion of Mr. Sims, the words "on lots in towns, villages and cities," were added after the word "improvements," in 11th line of 25th Section.

On motion of Mr. Nelson, the words "county assessor, county surveyor and" were stricken out of 1st line, Section 25.

On motion of Mr. Sims, the word "hereafter" was inserted after the word "means," in Sec. 23, 1st line.

Mr. Sims offered the following as an amendment to Section 29, which was adopted:

Nothing in this section shall be construed to exempt the property within the limits of any municipal corporation from being taxed for county and Territorial purposes, as other property outside thereof.

On motion of Mr. Sims, the words "in each year" were added after the word "March" in Section 35, 1st line.

Mr. Sims offered the following, which was adopted:

In lieu of Section 40, strike out Section 40, and insert as follows: "The person, at such sale, offering to pay the taxes, penalty and charges, against any one person or firm, in any county, for the smallest quantity of land, in a square, off the northeast corner of said tract of land, situated further northeast in such county, belonging to the person or firm against whom said tax is or shall be chargeable, shall be the purchaser of such quantity, located as aforesaid."

Mr. Canniff arose to a privileged question, and stated that House Bill No. 385, which passed the House and the Council, had been purloined or lost, "An Act defining the boundary lines of Osage, Shawnee and Jackson counties," and asked leave to introduce House Bill No. 433, an exact copy of the original Bill.

Leave was granted.

Bill read a first time.

Rules suspended.

Read a second and third time and

Passed.

The title was agreed to.

Mr. Sims offered the following as an amendment to Section 57, which was adopted:

Amend Sec. 57 by adding as follows: "*Provided*, This section shall not be construed to interfere with the provisions of section 51 of this act."

Message from the Council :

Mr. Speaker :—I am directed to inform the House that the Council have passed House Bill No. 433, "An Act establishing the northern boundaries of Shawnee and Osage counties, without amendment.

JOHN J. INGALLS,
Secretary.

Bill was read a third time and

Passed.

Mr. Sims, from the Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills have examined House Bills No. 129, "An Act to establish Highways in the county of Brown."

No. 333, "An Act entitled an Act to repeal 'An Act entitled an Act to incorporate the St. Charles Town Company.' "

No. 373, "An Act legalizing Wire Fence."

No. 170, "An Act extending the time for the collection of Taxes in Leavenworth county."

No. 277, "An Act to incorporate the Wabaunsee Agricultural Society."

C. SIMS, Chairman.

Mr. Speaker :—The Committee on Enrolled Bills have examined House Bills No. 21, "An Act to facilitate the settlement of the estates of deceased Partners," and

No. 151, "An Act to authorize the tribunal transacting county business for the county of Johnson to issue Bonds," and find them correctly enrolled.

C. SIMS, Chairman.

Mr. Cornwell, from a Special Committee, submitted the following report:

Mr. Speaker :—The Special Committee to whom was referred House Bill No. 427, entitled "An Act for the temporal Salvation of the People of Kansas," beg leave to report the same back to the House, and earnestly recommend its passage.

C. SIMS,
L. S. CORNWELL.

Mr. Cornwell moved that House Bill No. 427 be taken up and read a third time, "An Act for the temporal Salvation of the People of Kansas."

Mr. Wood moved to lay the motion upon the table.

Yeas and nays ordered.

Yeas—22. Nays—14.

Yeas, Messrs. Bartlett, Brooks, Chandler, Canniff, Cornwell, Dutton, Elliott, Heath, Jones, Knowles, Lynde, Lindsay, Murphy, McMath, Morton, Nelson, Pierce, Rankin, Sheldon, Scott, Wood and Mr. Speaker.

Nays, Messrs. Brown, Cornwell, Cave, Fitzpatrick, Lombard, Noel, Parks, Robertson, Reynolds, Steward, Sims, Vanderslice, Whitehead and Wagstaff.

So the motion prevailed.

Mr. Lynde, from the Committee on Enrolled Bills, submitted the following report:

Mr. Speaker:—To-day, at 1 o'clock, P. M., I presented the following Bills to the Governor:

House Bill No. 200, "An Act making citizens of certain Indians in Kansas Territory."

House Bill No. 115, "An Act to incorporate the Palermo Coal Mining Company."

House Bill No. 293, "An Act to establish a Ferry across the Kansas River at the town of De Soto."

House Bill No. 154, "An Act to provide for the partition of Real Estate."

House Bill No. 188, "An Act to incorporate the Coffey county Agricultural Society."

House Bill No. 339, "An Act relative to County Orders, for the county of Shawnee."

House Bill No. 169, "An Act to establish the county Poor House in Leavenworth county."

House Bill No. 261, "An Act to incorporate the Carlyle Town Company."

E. LYNDE,
Member of the Enrolling Committee.

Mr. Speaker:—Last evening I presented the following Bills to the Governor:

House Bill No. 41, "An Act changing the Lines of Chase county."

House Bill No. 242, "An Act to incorporate the Beach Valley Town Company."

House Bill No. 243, "An Act to incorporate the Margaretta Town Company."

House Bill No. 257, "An Act to incorporate the Grasshopper Falls Lodge, No. 21, of Ancient Free and Accepted Masons."

E. LYNDE,
Member of the Enrolling Committee.

Mr. Wood, from the Committee on Judiciary, submitted the following reports, which were agreed to:

Mr. Speaker:—The Committee on Judiciary, to whom was referred Council Bill No. 175, "An Act relating to sales of real property."

Also, Council Bill No. 53, "An Act to incorporate the Kansas River Navigation Company."

Also, House Bill No. 165, "An Act amendatory to 'An Act regulating the Jurisdiction and Procedure before Justices of the Peace,'" have considered them, and instruct me to report them back to the House and recommend their passage.

The Committee on Judiciary, to whom was referred the following Bills, having had the same under consideration, direct me to make the following report and recommend the indefinite postponement of House Bill No. 315, "An Act creating a redemption right to Real Estate," and regulating the same; and report House Bill No. —, "An Act regulating the redemption of Real Estate," as a substitute, and recommend its passage.

Mr. Speaker:—The Judiciary Committee, to whom was referred House Bill No. 224, "An Act divorcing Dellas T. Parker and Eliza Parker," have had the same under consideration, and instruct me to report the same back and recommend its passage.

Respectfully submitted,
S. N. WOOD, Chairman.

Mr. Bartlett introduced House Bill No. 433, "An Act to divorce Ann A. Allen and Nathaniel V. Allen."

Read a first time.

Rules suspended.

Read a second time and

Referred to the Committee on Judiciary.

Mr. Canniff introduced House Bill No. 433, "An Act defining and establishing the northern boundaries of the counties of Shawnee and Osage."

Mr. Heath introduced House Bill No. 434, an Act entitled "An Act making appropriation for the expenses of the Territory of Kansas, for the year A. D., 1860."

Read a first time.

Rules suspended.

Read a second time.

Referred to Committee on Ways and Means.

Mr. Lynde introduced House Bill No. 431, "An Act regulating the guage of Railroads."

Read a first time.

Rules suspended.

Read a second time and

Referred to Committee on Agriculture.

Joint Committee introduced House Bill No. 432, "An Act concerning Territorial Roads."

Read a first time.

Rules suspended.

Read a second time.

Mr. Bartlett introduced House Bill No. 433, "An Act divorcing George R. Martin and Sophrona H. Martin."

Read a first time.

Rules suspended.

Read a second time and

Referred to Committee on Judiciary.

Also, House Bill No. 434, "An Act to amend an Act to establish and charter a Ferry at Palermo."

Read a first time.

Rules suspended.

Read a second time and

Referred to Committee on Corporations.

Mr. Scott introduced House Bill No. 436, "An Act to legalize the official acts of Jason D. Parsons."

Read a first time.

Rules suspended.

Read a second and third time and

Passed.

The title was agreed to.

Mr. Wood introduced House Bill No. 437, "An Act divoroing Lydia W. Peck and Horatio N. Peck *alias* James Diamond."

Read a first time.

Rules suspended.

Read a second time and

Referred to Committee on Judiciary.

Mr. Knowles introduced House Bill No. 438, "An Act to incorporate the the town of Fort Scott."

Read a first time.

Rules suspended

Read a second time and

Referred to Committee on Corporations.

Mr. Sheldon introduced House Bill No. 439, "An Act to perfect the organization of Osage county."

Read a first time.

Rules suspended.

Read a second time and

Referred to a Special Committee, Messrs. Canniff, Sheldon and Morton.

Mr. Nelson, from the Committee on Roads and Highways, submitted the following report:

Mr. Speaker:—The undersigned, minority of the Committee on Roads and Highways and members of the Joint Committee, to whom was referred all bills pertaining to Territorial Roads, have been unable to agree with the remainder of the Committee, and would respectfully submit, for the consideration of the House, the following Bill and recommend its passage.

F. LOMBARD,
G. W. NELSON,
O. H. SHELDON,
Committee on Roads.

On motion of Mr. Jones, the Bill as reported by the Committee, was taken up, and,

On motion of Mr. Nelson, was laid on the table and ordered to be printed.

A message was received from the Council, which was read and,

On motion of Mr. Parks, the clerk was directed to return it to the Council forthwith.

Mr. Lynde introduced House Bill No. —, "An Act to change the name of Atchison county."

Mr. Lynde moved that the rules be suspended, and that the Bill be read a second time.

Yeas and nays ordered.

Yeas—13. Nays—21.

Yeas, Messrs. Chandler, Canniff, Dutton, Elliott, Fitzpatrick, Jones, Lynde, Morton, Steward, Shively, Sheldon, Wood and Mr. Speaker.

Nays, Messrs. Brown, Bartlett, Brooks, Cornwell, Cave, Knowles, Lombard, Lindsay, Murphy, McMath, Noel, Nelson, Parks, Pierce, Robertson, Sims, Scott, Vanderslice, Whitehead and Wagstaff.

So the motion was lost.

House Bill No. 121, "An Act defining the mode of laying out and establishing Roads," was taken up.

Bill read by title.

Mr. Wood moved that further reading of the Bill be dispensed with.

Yeas and nays ordered.

Yeas—14. Nays—18.

Yeas, Messrs. Brown, Bartlett, Brooks, Chandler, Fitzpatrick, Jones, Morton, Nelson, Pierce, Robertson, Rankin, Sheldon, Wood and Mr. Speaker.

Nays, Messrs. Cornwell, Cave, Dutton, Knowles, Lombard, Lynde, Lindsay, McMath, Noel, Parks, Reynolds, Steward, Sims, Shively, Scott, Whitehead, Vanderslice and Wagstaff.

So the motion was lost.

Mr. Scott moved that the Bill be referred to a Select Committee of three.

Carried.

The Chair appointed as said Committee Messrs. Scott, Sims and Cornwell.

Mr. Sheldon, from the Committee on Engrossed Bills, submitted the following report:

The Committee on Engrossed Bills have examined House Bill No. 187, "An Act to establish a Probate Court for Leavenworth and other counties, and define its Jurisdiction."

Also, House Bill No. 120, "An Act relating to Townships and Township Officers," and find them to be correctly engrossed.

O. H. SHELDON, Chairman.

Mr. Lombard introduced House Bill No. —, "An Act for the protection of colored persons in the Territory of Kansas," and called for its reading.

While the Bill was being read, Mr. Wood moved that the further reading of the Bill be dispensed with, upon which,

Yeas and nays ordered.

Yeas—21. Nays—11.

Yeas, Messrs. Bartlett, Chandler, Canniff, Cave, Elliott, Fitzpatrick, Jones, Knowles, Lynde, Lindsay, Murphy, McMath, Pierce, Robertson, Rankin, Steward, Shively, Sheldon, Scott, Wood and Mr. Speaker.

Nays, Messrs. Brown, Cornwell, Dutton, Lombard, Noel, Parks, Reynolds, Sims, Vanderslice, Whitehead and Wagstaff.

So the motion prevailed.

Mr. Wood moved that the Bill be rejected, and demanded the previous question, which was sustained.

Yeas and nays ordered upon the motion to reject the Bill.

Yeas—25. Nays—9.

Yeas, Messrs. Bartlett, Brooks, Chandler, Canniff, Cave, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lynde, Lindsay, Pierce, Robertson, Rankin, Steward, Shively, Sheldon, Scott, Wagstaff, Wood and Mr. Speaker.

Nays, Messrs. Brown, Cornwell, Lombard, Murphy, McMath, Noel, Parks, Vanderslice and Whitehead.

So the Bill was rejected.

Mr. Rankin moved that the vote be reconsidered.

Mr. Scott moved to lay the motion upon the table.

Carried.

Mr. Lombard asked leave to withdraw the Bill.

Yeas and nays ordered.

Yeas—13. Nays—21.

Yeas, Messrs. Brown, Cornwell, Lombard, Murphy, McMath, Noel, Parks, Reynolds, Sims, Sopris, Vanderslice, Whitehead and Wagstaff.

Nays, Messrs. Bartlett, Brooks, Chandler, Canniff, Cave, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lynde, Lindsay, Nelson, Pierce, Robertson, Rankin, Steward, Shively, Sheldon, Wood and Mr. Speaker.

So leave to withdraw the Bill was not granted.

Mr. Lynde, from the Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER:—The Enrolling Committee have examined House Bill No. 433, "An Act to define the northern boundaries of Shawnee and Osage counties," and find the same correctly enrolled.

E. LYNDE, Member of Committee.

House Bill No. 381, "An Act to define the Judicial Districts of the Territory, and fix the times and places for holding the several Courts therein," was taken up.

On motion of Mr. Nelson, the words "Coffey, Woodson, Greenwood, Wilson and Godfrey" were stricken out in second section.

On motion of Mr. Nelson, the words "Coffey, Woodson, Greenwood, Wilson and Godfrey" were inserted in third section, after the word "Franklin."

On motion of Mr. Cave, the words "the county of Nemaha is attached to the county of Brown" were stricken out in first line of section 4.

On motion of Mr. Wood, the words "is attached" were inserted after the word "Osage," in section 4.

On motion of Mr. Wood, the word "Woodson," in second line of section 4, was stricken out; also, insert "Riley" after "Dickinson;" also, strike out from the word "Davis," in fourth line, fourth section, to the word "Riley," inclusive, in the fifth line of same section; also, add after the word "October," fifth section, the words "in the county of Nemaha, on the second Monday in April and September."

On motion of Mr. Wood, the words from the word "in," first line of section 6, to the word "September," inclusive, in second line, were stricken out; also, strike out the word "first," second line, and insert "second;" strike ont the word "third," third line, and insert "second;" also, strike out the word "fourth," fourth line, and insert "third;" also, strike out the word "Riley" and insert "Wabaunsee;" also, strike out "first Monday," fourth line; also, the words "after the," fifth line, and insert the words "in the county of Pottawatamie on the fourth Monday of September;" also, strike the word "second," fifth line, and insert "first;" also, strike out "third," sixth line, and insert "second;" also, strike out "fifth," seventh line, and insert "fourth."

On motion of Mr. Nelson, the words "in the county of Coffey on the last Monday of March and August" were inserted after the word "follows," in section 7, first line.

On motion of Mr. Parks, the words "and that part of the Iowa Reservation lying in this Territory" were inserted after the word "Reservations," in first line of section 10.

On motion of Mr. Wagstaff, the words "and Chippewas" were inserted after the word "for," in first line of section 11; also, after the word "Reservation" in second line of section 11, insert the words "and the Ottawa Reservation."

Mr. Elliott moved to strike out "Emporia" and insert "county seat" in Section 12.

Yeas and nays ordered.

Yeas—14. Nays—18.

Yeas, Messrs. Brown, Chandler, Cave, Elliott, Jones, Lombard, Lynde, Murphy, Robertson, Sims, Shively, Vanderslice, Whitehead, Wagstaff and Mr. Speaker.

Nays, Messrs. Bartlett, Brooks, Canniff, Dutton, Knowles, Lindsay, McMath, Morton, Noel, Nelson, Parks, Pierce, Reynolds, Steward, Sheldon, Scott, Sopris and Wood.

So the motion was lost.

On motion of Mr. Wood, the words "in the county of Pottawatamie at St. George" were inserted after the word "Lawrence," in 4th line of Section 11.

On motion of Mr. Parks, the words "except the first term in Linn county, which shall be held at Mound City," were inserted after the word "counties" in 2nd line of Section 13.

The Bill was read a third time and

Passed.

The title was agreed to.

Message from the Council:

Mr. Speaker:—The Council instruct me to notify the House that the Council have passed House Bill No. 407, "An Act to amend and consolidate the several Acts relating to the City of Lawrence."

House Bill No. 17, "An Act to incorporate the Wyandott City Insurance Company."

House Bill No. 218, "An Act to incorporate the Iowa Point and Denver City Railroad."

House Joint Resolution No. 14, "Memorializing Congress for an additional District Judge," without amendment.

House Bill No. 99, "An Act to prevent the introduction of diseased Cattle," with the following amendments.

In Section 1, line 10, strike out "one hundred" and insert "fifty."

Line 11, for "and" read "or."

Line 12, strike out "second" and read "or."

Strike out all after "premises."

House Bill No. 406, "An Act to provide for the collection and assessment of Taxes," with the following amendments:

Section 1, strike out "within this Territory."

Line 2, strike out "of persons residing therein," and insert "within this Territory."

In every case, after "he" read "or she," and after "his" read "or her."

Section 15, strike out clause 4, relating to sheep.

Section 15, line 2, after "assessment" read "thereof."

After "family" read "over twelve years of age."

Insert after "city," in line 4, Section 22, the following: "The number of the road district and school district, in each description of real estate, and amount of personal property is situated."

Section 66, for "bonds" read "lands."

Council Bill No. 217, "An Act relating to Acknowledgments, Oaths and Depositions."

Council Bill No. 212, "An Act for the encourgement of Wool Growing."

Council Bill No. 205, "An Act supplemental and amendatory to 'An Act providing for the location of the County Seat of Allen county.'"

Council Bill No. 228, "An Act to charter a Ferry," and ask your concurrence.

JOHN J. INGALLS,
Secretary.

Mr. Scott introduced House Bill No. —, "An Act to legalize the official acts of J. D. Passmore."

Bill read a first time.

Rules suspended.

Read a second and third time, and

Passed.

The title was agreed to.

Mr. McMath moved to adjourn to 7 o'clock this evening.

Mr. Parks moved to amend by inserting to-morrow morning at 9 o'clock.

Yeas and nays ordered.

Yeas—13. Nays—14.

Yeas, Messrs. Brown, Chandler, Dutton, Fitzpatrick, Jones, Lombard, Lindsay, Morton, Parks, Pierce, Robertson, Steward, Sheldon, and Wagstaff.

Nays, Messrs. Bartlett, Cave, Knowles, Murphy, McMath, Nelson, Reynolds, Shively, Scott, Sopris, Vanderslice, Whitehead, Wood and Mr. Speaker.

So the motion was lost.

The question recurring upon the motion to adjourn until 7 o'clock, the motion prevailed.

EVENING SESSION.

SEVEN O'CLOCK.

House met pursuant to adjournment.

House Bill No. 315, "An Act regulating the redemption of Real Estate," was taken up.

Bill read a third time

Mr. Scott moved to strike out "three years" and insert one."

Mr. Murphy moved to further amend by striking out "three" and inserting "two."

Carried.

Mr. McMath demanded the previous question upon the passage of the Bill, which was sustained.

Yeas and nays ordered.

Yeas—20. Nays—9.

Yeas, Messrs. Brown, Bartlett, Chandler, Canniff, Cave, Dutton, Elliott, Jones, Murphy, McMath, Nelson, Pierce, Robertson, Steward, Shively, Sheldon, Scott, Sopris, Wood and Mr. Speaker.

Nays, Messrs. Cornwell, Knowles, Lombard, Lindsay, Noel, Reynolds, Vanderslice, Whitehead and Wagstaff.

So the Bill passed.

The title was agreed to.

Mr. Wood moved to reconsider the vote.

Mr. Jones moved to indefinitely postpone the motion to reconsider.

Carried.

House Bill No. 424, "An Act to divorce Dallos T. Parker and Eliza Parker," was taken up.

Bill read a third time and

Passed.

The title was agreed to.

House Bill No. 134, "An Act for the incorporation of the Colona Mining Company," was taken up.

Amendments of the Council concurred in.

House Bill No. 39, "An Act to incorporate the Mammoth Quartz Lead Mining Company," was taken up.

Amendments of the Council concurred in.

House Bill No. 125, "An Act to incorporate the Beaver Creek Wagon Road and Bridge Company," was taken up.

Amendments of the Council concurred in.

House Bill No. 139, "An Act to incorporate the Arrapahoe Gas Light Company," was taken up.

Amendments of the Council concurred in.

House Bill No. 216, "An Act to incorporate the Kansas Scientific and Literary Institute," was taken up.

Amendment of the Council concurred in.

Council Bill No. 201, "An Act supplemental to an Act, entitled 'An Act establishing the boundaries of Davis county,'" was taken up.

Read a first time.

Rules suspended.

Read a second time and

Referred to a Special Committee, consisting of Messrs. Reynolds and Chandler.

Council Bill No. 144, "An Act to incorporate the City of Doniphan," was taken up.

Read a third time and

Passed.

Council Bill No. 152, "An Act relating to Roads, Highways and Bridges in Doniphan county, and providing for the Levying of Taxes, to pay for the same," was taken up.

Read a second time and

Rules suspended.

Read a third time and

Passed.

The title was agreed to.

Council Bill No. 76, "An Act to provide for the permanent location of the seat of justice of Jefferson county," was taken up.

Read a first time.

Rules suspended.

Read a second time and

Referred to Committee on County Lines.

Council Bill No. 172, "An Act to incorporate the Neosho Town Company," was taken up.

Read a second time.

Rules suspended.

Read a third time and

Passed.

The title was agreed to.

Council Bill No. 171, "An Act to incorporate the Hampden Congregational Society," was taken up.

Read a second time.

Rules suspended.

Read a third time and

Passed.

The title was agreed to.

Council Bill No. 162, "An Act to incorporate the Pennington Town Company," was taken up.

Read a second time

Rules suspended.

Read a third time and

Passed.

Title was agreed to.

Council Bill No. 161, "An Act to incorporate the Costio Town Company," was taken up.

Read a second time.

Rules suspended.

Read a third time and

Passed.

Title was agreed to.

Council Bill No. 159, "An Act to incorporate the Parkville Company," was taken up.

Read a second time.

Rules suspended.

Read a third time and

Passed.

The title was agreed to.

Council Bill No. 143, "An Act to charter a Ferry at the range line between 23 and 24, in Johnson county, K. T., across the Kansas river," was taken up.

Read a second time.

Rules suspended.

Read a third time and

Passed.

Title was agreed to.

Council Bill No. 140, "An Act to incorporate the Doniphan Extension Company," was taken up.

Read a second time.

Rules suspended.

Read a third time and

Passed.

Title was agreed to.

Council Bill No. 135, "To amend the charter of the city of Atchison," was taken up.

Read a second time.

Rules suspended.

Read a third time, and

On motion of Mr. Lombard, was indefinitely postponed.

Council Bill No. 134, "An Act to incorporate the Inhabitants of Franklin, in Douglas county," was taken up.

Read a second time.

Rules suspended.

Read a third time and

Passed.

The title was agreed to.

Council Bill No. 191, "An Act to provide for a Revenue for 1860," was taken up.

Read a first time.

Rules suspended.

Read a second time and

Referred to a Special Committee of five.

Council Bill No. 199, "An Act to authorize the city of Wyandott to purchase the Wyandott Bridge," was taken up.

Read a second time.

Rules suspended.

Read a third time and

Passed.

Title was agreed to.

Council Bill No. 110, "An Act relating to Land Titles in the city of Lawrence," was taken up.

Read a second time.

Rules suspended.

Read a third time, and

Referred to the Committee on Judiciary.

Council Bill No. 187, "An Act to authorize Robert C. Bishop to keep a Ferry across the Kansas river," was taken up.

Read a second time.

Rules suspended.

Read a third time and

Passed.

The title was agreed to.

Council Bill 125, "An Act incorporating the Pike's Peak and South Park Wagon Road Company," was taken up.

Read a second time.

Rules suspended.

Read a third time and

Passed.

The title was agreed to.

Council Bill No. 190, "An Act to organize the county of Irving, and define the boundaries thereof," was taken up.

Read a second time.

Rules suspended.

Read a third time and

Referred to Committee on County Lines.

Council Bill No. 196, "An Act defining the western boundaries of Cherokee county, and the east and west boundary of the Neosho county," was taken up.

Bill read a second time.

Rules suspended.

Read a third time and

Passed.

The title was agreed to.

Council Bill No. 174, "An Act to provide for the incorporation of Building and Loan Associations," was taken up.

Read a second time.

Rules suspended.

Read a third time and

Referred to a Special Committee of three: Messrs. Whitehead, Wagstaff and Nelson.

Council Bill No. 189, "An Act amendatory of an Act entitled 'An Act to establish a Code of Civil Procedure, approved Feb. 11, 1860,'" was taken up.

Read a second time.

Rules suspended.

Read a third time and

Referred to the Committee on Judiciary.

House Bill No. 201, "An Act to incorporate the Riley Town Company," was taken up.

Read a second time.

Rules suspended.

Read a third time and

Passed.

The title was agreed to.

Council Bill No. 101, "An Act to incorporate the Metropolitan Mining Company," was taken up.

The amendments of the Committee agreed to.

Bill read a third time and

Passed.

The title was agreed to.

House Bill No. 377, "An Act repealing an Act entitled 'An Act legalizing the acts of certain officers, therein named,'" was taken up and

Laid on the table.

Council Bill No. 91, "An Act for the relief of the heirs of Jessie W. Clark" was taken up.

Read a third time and

Passed.

Title was agreed to.

Council Bill No. 176, "An Act to change the name of Thomas Vest," was taken up.

Read a third time and

Passed.

The title was agreed to.

Council Bill No. 147, "An Act to provide for the payment of the liabilities of Neosho City," was taken up.

Read a third time and

Passed.

The title was agreed to.

House Bill 286, "An Act divorcing Olive Smith from her husband Samuel Smith," was taken up.

Read a third time and

Passed.

The title was agreed to.

House Bill No. 378, "An Act to divorce Henderson H. Boggs and Susan Boggs," was taken up.

Read a third time and

Passed.

Title was agreed to.

House Bill No. 371, "An Act divorcing Joseph Shaft and Almina Adelina Shaft from the bonds of matrimony," was taken up.

Read a third time and

Passed.

The title was agreed to.

Council Bill No. 57, "An Act to establish a Ferry across the Marais des Cynges river," was taken up.

Read a third time and

Passed.

Title was agreed to.

House Bill No. 366, "An Act divorcing Joseph Henderson and Elizabeth Henderson," was taken up.

Read a third time and

Passed.

Title was agreed to.

House Bill No. 247, "An Act to incorporate the Kansas Telegraph Company."

Mr. Bartlett moved to refer it to a Select Committee of three.

Carried.

The Chair appointed as said Committee Messrs. Bartlett, Shively and Wagstaff.

On motion of Mr. Wood, the Committee were instructed to report within ten days.

House Bill No. 92, "An Act to incorporate the Weston Railroad Company," was taken up, and

On motion of Mr. Morton, it was amended by inserting the names of H. Bronson, J. C. Lambdin, P. G. D. Morton and Perry Woodruff.

Bill read a third time and

Passed.

Mr. Morton moved that the title be amended by inserting "the Fort Union Branch Railroad."

The amendment was agreed to.

House Bill No. 342, "An Act to incorporate the Osage Falls Bridge Company," was taken up.

Read a third time and

Passed.

The title was agreed to.

Council Bill 126, "An Act to charter a Ferry across the Kansas, at Section 35, Township 11, Range 23," was taken up.

Read a third time and

Passed.

The title was agreed to.

Council Bill No. 97, "An Act to charter a Ferry over the Kansas river at the Range line between 21 and 22, in Johnson county, K. T.," was taken up.

Read a third time and

Passed.

The title was agreed to.

Council Bill No. 109, "An Act to incorporate the Leavenworth and Denver City Telegraph Company," was taken up.

Read a third time and

Referred to a Special Committee of three: Messrs. Bartlett, Wagstaff and Shively.

Council Bill No. 386, "An Act for the relief of James R. Whitehead," was taken up.

Read a second time.

Rules suspended.

Read a third time and

Passed.

The title was agreed to.

House Bill No. 411, "An Act to change the boundary between the counties of Coffey and Woodson," was taken up.

Mr. Lindsay moved to indefinitely postpone the Bill.

Mr. Wood moved to lay the motion upon the table.

Yeas and nays ordered.

Yeas—19. Nays—12.

Yeas, Messrs. Chandler, Canniff, Elliott, Fitzpatrick, Jones, Lombard, McMath, Morton, Nelson, Pierce, Reynolds, Shively, Sheldon, Vanderslice, Whitehead and Wood.

Nays, Messrs. Brown, Bartlett, Cornwell, Cave, Dutton, Knowles, Lindsay, Robertson, Steward, Scott, Wagstaff and Mr. Speaker.

So the motion prevailed.

Mr. Nelson moved that it be postponed and made the special order of to-morrow morning at 10 o'clock.

Carried.

Council Bill No. 117, "An Act divorcing O. W. Brownley and Abigail E. Brownley," was taken up.

Read a third time and

Passed.

Title was agreed to.

Council Bill No. 118, "An Act divorcing John F. Conwell and Lucy E. Conwell," was taken up.

Mr. Wagstaff moved that the Bill be indefinitely postponed.

Yeas and nays ordered.

Yeas—11. Nays—19.

Yeas, Messrs. Bartlett, Chandler, Canniff, Cave, Knowles, McMath, Pierce, Reynolds, Shively, Scott and Wagstaff.

Nays, Messrs. Brown, Cornwell, Dutton, Elliott, Fitzpatrick, Jones, Lombard, Lindsay, Murphy, Morton, Noel, Nelson, Robertson, Steward, Sheldon, Vanderslice, Whitehead, Wood and Mr. Speaker.

So the motion was lost.

Bill read a third time and

Passed.

Title was agreed to.

Council Bill No. 98, "An Act incorporating the city of Auburn," was taken up.

Read a third time and

Passed.

Title was agreed to.

House Bill No. 317, "An Act to incorporate the Auraria Mining Company," was taken up.

Read the third time and

Passed.

Title was agreed to.

House Bill No. 227, "An Act to incorporate the Blue River Bridge Company," was taken up.

Read a third time and

Passed.

Title was agreed to.

House Bill No. 297, "An Act divorcing Abbey W. Allen and James Allen," was taken up.

Read a third time, and

The Bill being upon its final passage,

The yeas and nays were ordered.

Yeas—18. Nays—11.

Yeas, Messrs. Brown, Canniff, Cornwell, Dutton, Fitzpatrick, Jones, Knowles, Lombard, Lindsay, Murphy, Morton, Noel, Nelson, Robertson, Vanderslice, Whitehead, Wood and Mr. Speaker.

Nays, Messrs. Bartlett, Chandler, Cave, McMath, Pierce, Reynolds, Steward, Shively, Sheldon, Scott and Wagstaff.

So the Bill passed.

Title was agreed to.

House Bill No. 360, "An Act to incorporate the Leavenworth Museum," was taken up.

Read a third time and

Passed.

The title was agreed to.

House Bill No. 77, "An Act erecting and organizing the county of Neosho," was taken up.

Mr. Scott moved that it be postponed and made the special order of to-morrow, at 10 o'clock.

Yeas and nays were ordered.

Yeas—7. Nays—20.

Yeas, Messrs. Bartlett, Cornwell, Dutton, Lindsay, Steward, Scott and Wagstaff.

Nays, Messrs. Brown, Chandler, Canniff, Cave, Elliott, Fitzpatrick, Jones, Knowles, Lombard, Murphy, McMath, Morton, Noel, Nelson, Pierce, Robertson, Reynolds, Shively, Sheldon, Whitehead and Wood.

So the motion was lost.

The Bill having been read a third time, and

Being upon its final passage,

The yeas and nays were demanded.

Yeas—21. Nays—7,

Yeas, Messrs. Brown, Chandler, Canniff, Cave, Elliott, Fitzpatrick, Jones, Knowles, Lombard, Murphy, McMath, Morton, Noel, Nelson, Pierce, Robertson, Reynolds, Shively, Sheldon, Whitehead and Wood.

Nays, Messrs. Bartlett, Cornwell, Dutton, Lindsay, Steward, Scott and Wagstaff.

So the Bill passed.

The title was agreed to.

Mr. Sheldon moved to reconsider the vote.

Mr. Wood moved to indefinitely postpone the motion to reconsider.

Carried.

House Bill No. 402, "An Act providing for the location of the County Seat of Bourbon county."

Mr. Knowles moved to indefinitely postpone the Bill.

Carried.

Mr. Knowles moved to reconsider the vote.

Mr. Brown moved to indefinitely postpone the motion to reconsider.

Carried.

House Bill No. 420, "An Act to provide for the organization of the counties of Republic, Shively and Wade," was taken up.

Read a third time and

Passed.

Title was agreed to.

House Bill No. 239, "An Act to incorporate the Walnut creek Bridge Company," was taken up.

Amendments of the Committee agreed to.

Bill read a third time and

Passed.

Title was agreed to.

House Bill No. 178, "An Act to incorporate the De Soto Ferry,"

Indefinitely postponed.

House Bill No. 399, "An Act amendatory to 'An Act incorporating the Iowa Point Steam Ferry Company,'" was taken up.

Read a third time and

Passed.

The title was agreed to.

House Bill No. 318, "An Act to incorporate the Norwood Mining Company," was taken up.

Read a third time and

Passed.

Title was agreed to.

House Bill No. 367, "An Act to incorporate the Kansas Vine Company," was taken up.

Read a third time and

Passed.

The title was agreed to.

House Bill No. 376, "An Act to incorporate the Lion Town Company," was taken up.

Read a third time and

Passed.

Title was agreed to.

House Bill No. 369, "An Act to incorporate the Alma Town Company and Town of Alma," was taken up.

Read a third time and

Passed.

Title was agreed to.

House Bill No. 322, "An Act to incorporate a University at Mount Pleasant, Atchison county, K. T.," was taken up.

Read a third time and

Passed.

Title was agreed to.

House Bill No. 332, "An Act to incorporate the Jefferson Town Company," was taken up.

Read a third time and

Passed.

Title was agreed to.

House Bill No. 356, "An Act to incorporate the Wardens and Vestry of Trinity Church, Atchison," was taken up.

Read a third time and

Passed.

Title was agreed to.

House Bill No. 319, "An Act to incorporate the Washington Mining Company," was taken up.

Read a third time and

Passed.

Title was agreed to.

House Bill No, 389, "An Act to incorporate the Buckeye Mining Company," was taken up.

Read a third time and

Passed.

Title was agreed to.

Council Bill No. 113, "An Act to incorporate the Lawrence Musical Association," was taken up.

Read a third time and

Passed.

Title was agreed to.

Council Bill No. 115, "An Act to incorporate the Town of Ottumwa," was taken up.

Read a third time and

Passed.

Title was agreed to.

Council Bill No. 102, "An Act to incorporate the Mount Union College Association," was taken up.

Read a third time and

Passed.

Title was agreed to.

Council Bill No. 116, "An Act to incorporate Ottumwa Lodge of Ancient Free and Accepted Masons," was taken up.

Read a third time and

Passed.

Title was agreed to.

Council Bill No. 99, "An Act to incorporate the Kansas Law Institute and Library," was taken up.

Read a third time and

Passed.

Title was agreed to.

Council Bill No. 87, "An Act appropriating money to defray certain Judicial expenses of the Territory of Kansas," was

Referred to a Select Committee of three—Messrs. Bartlett, Pierce and Dutton.

House Bill No. 384, "An Act for the relief of Commissioners authorized to locate and survey a Territorial road from Leavenworth City to Burlington," was taken up.

Mr. Bartlett moved that the Bill be referred to a Select Committee of three.

Carried.

Council Bill No. 150, "An Act to charter a ferry across the Missouri River, at a point opposite Forest City, Missouri," was taken up.

Read a third time and

Passed.

The title was agreed to.

Joint Resolution of Council No. 2, "Preamble and Joint resolution Memoralizing the President and Congress in relation to Indian lands," was taken up.

Read a third time and

Adopted.

House Bill No. 398, "An Act to amend an Act entitled 'An Act regulating Conveyances," was taken up.

On motion of Mr. McMath it was indefinitely postponed.

House Bill No. 415, "An Act to amend an Act therein named," was taken up.

Mr. Brown moved to indefinitely postpone the Bill.

Mr. Morton moved to lay the motion upon the table.

Yeas and nays ordered.

Yeas—11. Nays—10.

Yeas, Messrs. Chandler, Dutton, Fitzpatrick, Lindsay, McMath, Morton, Scott, Sopris, Vanderslice and Wood.

Nays, Messrs. Brown, Bartlett, Cave, Lombard, Murphy, Nelson, Pierce, Robertson, Reynolds, Wagstaff and Mr. Speaker.

So the motion prevailed.

The question recurring upon the final passage of the Bill,

Yeas and nays were ordered.

Yeas—13. Nays—10.

Yeas, Messrs. Bartlett, Chandler, Dutton, Fitzpatrick, Jones, Lindsay, McMath, Morton, Nelson, Scott, Sopris, Vanderslice and Wood.

Nays, Messrs. Brown, Cave, Lombard, Murphy, Pierce, Robertson, Reynolds, Whitehead, Wagstaff and Mr. Speaker.

So the Bill passed.

The title was agreed to.

On motion of Mr. Nelson,

House adjourned.

GUSTAVUS A. COLTON,
Speaker of the House of Representatives.

M. W. Delahay,
Chief Clerk.

THURSDAY, February 23, 1860,
9 o'clock A. M.

House called to order by the Speaker.

Roll called.

Absentees, Messrs. Bartlett, Dutton, Fitzpatrick, Heath, Morton, Sheldon, Reynolds and Shively.

Journal of yesterday read and approved.

Mr. Sims, from the Committee on Enrolled Bills, submitted the following reports:

MR. SPEAKER:—House Bill No. 265, "An Act incorporating the Douglas County Agricultural and Mechanical Society."

Also, No. 274.

Also, No. 107, entitled "An Act to amend an Act entitled 'An Act to establish a Code of Civil Procedure,'" are truly enrolled.

C. SIMS, Chairman.

MR. SPEAKER:—The Committee on Enrolled Bills having examined House Bill No. 58, "An Act to vacate a certain part of the Town site of Pottawatamie."

No. 133, "An Act to incorporate the Big Stranger river Bridge Company."

No. 157, House substitute for Council Bill No. 157, entitled "An Act defining the boundaries of Davis county."

No. 35, "An Act to incorporate the Gaston Quartz Mining Company."

No 383, "An Act to vacate certain streets and alleys in the town of Lexington, in Johnson county, K. T."

No. 249, "An Act to charter a Ferry across the Missouri river, at the town of Kickapoo."

No. 36, "An Act to incorporate the Pike's Peak Gold Mining Company."

No. 372, "An Act to authorize the city of Leavenworth to issue Bonds for Railroad purposes."

No. 268, "An Act relating to the commitment of Prisoners."

No. 333, "An Act supplemental to 'An Act incorporating the Topeka Cemetery Association, approved Feb. 2d, 1859.'"

No. 212, "An Act to authorize the city of Wyandott to sell and convey certain Real Estate," find the same correctly enrolled.

C. SIMS, Chairman.

Mr. Brooks, from the Committee on Corporations, submitted the following report:

Mr. Speaker:—The Committee on Banks and Corporations, having had under consideration House Bill No. 438, "An Act to incorporate the town of Fort Scott," report the same and recommend its passage, without amendment.

P. R. BROOKS, Chairman.

House Bill No. 438, "An Act to incorporate the town of Fort Scott," was taken up.

Bill read a third time and

Passed.

Title was agreed to.

Mr. Lindsay, from the Committee on Agriculture, made the following report:

The Committee on Agriculture and Manufactures, to whom was referred House Bill No. —, "An Act regulating the guage of Railroads," would respectfully report it back without recommendation.

T. LINDSAY, Chairman.

Mr. Whitehead, from the Special Committee, submitted the following report:

Mr. Speaker:—The Special Committee, to whom House Bill No. 174, "An Act to provide for the incorporation of Building Loan Association," was referred, have had the same under consideration, and recommend the passage of the same without amendment.

C. B. WHITEHEAD,
G. W. NELSON.

The report was agreed to.

House Bill No. 174, "An Act to provide for the incorporation of Building Loan Association," was taken up.

Bill read a third time and

Passed.

Title was agreed to.

On motion of Mr. Lombard, the vote by which House Bill No.

135, "An Act to incorporate the city of Atchison," was indefinitely postponed, was reconsidered.

Bill having been read a third time,

Passed.

The title was agreed to.

The special order being the consideration of House Bill No. 411, "An Act to change the boundary line between the counties of Coffey and Woodson," it was taken up.

On motion of Mr. Wood, it was postponed for the period of half an hour.

Mr. Bartlett, from a Special Committee, submitted the following report:

MR. SPEAKER:—The Special Committee, to whom was referred House Bill No. 421, "An Act supplemental to an Act entitled 'An Act to incorporate the Central Overland California and Pike's Peak Express Company,'" have had the same under consideration, and recommend the passage of the accompanying substitute in place of the Bill.

A. BARTLETT,
E. L. CHANDLER.

The report was received and the substitnte adopted.

Mr. Bartlett moved that the substitute be taken up and read a third time.

Mr. Wood moved that it be postponed and made the special order of to-morrow morning, at 10 o'clock.

Carried.

Mr. Wood, from the Judiciary Committee, submitted the following report:

The Judiciary Committee, to whom was referred House Bill No. 16, entitled, "An Act supplemental to 'An Act to incorporate and establish the city of Wyandott,' approved Jan. 29, 1859," have had the same under consideration, and report back to the House a substitute for said Bill, and recommend the passage of the same.

S. N. WOOD, Chairman.

The report was agreed to and the substitute adopted.

Mr. Wood, from the Judiciary Committee, submitted the following report:

Mr. Speaker:—The majority of the Judiciary Committee, to whom was referred the Bills, instruct me to report them back and recommend their passage.

House Bill No. 433, entitled "An Act divorcing G. J. Martin and Sophrona H. Martin."

House Bill No. 426, entitled "An Act divorcing Lydia W. Peck and H. N. Peck, *alias* James Diamond."

House Bill No. —, entitled "An Act to divorce Ann A. Allen and Nathaniel V. Allen."

S. N. WOOD, Chairman.

House Bill No. 83, "An Act divorcing Ann A. Allen and Nathaniel V. Allen," was taken up.

Rules suspended and

Bill passed.

The title was agreed to.

House Bill No. 433, "An Act divorcing George S. Martin and Sophrona Martin," was taken up.

Rules suspended.

Bill read a third time and

Passed.

The title was agreed to.

House Bill No. 420, "An Act divorcing Lydia W. Peck and H. N. Peck," was taken up.

Rules suspended.

Bill read a third time and

Passed.

The title was agreed to.

Mr. Scott, from a Special Committee, submitted the following report:

The Special Committee to whom was referred Council Bill No. 121, "An Act defining the mode of laying out Roads," beg leave to report that owing to its great length, a majority of the Committee have not been able to acquaint themselves with its provisions, and therefore return it to the House without recommendation for its further action.

JOHN W. SCOTT, Chairman.

On motion of Mr. Whitehead, Doniphan county was exempted from the provisions of House Bill No. 121, "An Act defining the mode of laying out and establishing Roads."

Council Bill No. 269, "An Act for the relief of Insolvent Debtors," was taken up.

Mr. Pierce moved that the House agree to the amendments of the Council.

Mr. Bartlett moved to amend by postponing the Bill, and making it the special order of to-morrow at 2 o'clock.

Carried.

A message was received from the Governor, relating to House Bill No. 79, "An Act providing for the location of the seat of justice of Breckenridge county," with his objections thereto, which was read and ordered to be spread upon the journal of the House.

EXECUTIVE OFFICE, K. T.,
Feb. 22, 1860.

To the House of Representatives:

GENTLEMEN:—I herewith return the Bill entitled "An Act providing for the location of the seat of justice of Breckenridge county."

My objections to this Bill are similar to those I offered in the case of locating the seat of justice of Franklin county. While the Bill purports to be for the purpose of leaving the decision to the popular vote, it anticipates that result by removing the seat of justice in advance, from the place where the courts are now held, and so far as this act can do it, the law making power instructs the people of Breckenridge county where they think it ought to be located.

As the people, by this Bill, are to be the final arbiters of the case, it would be more in accordance with its spirit to let them remain free to act as they may see proper, without giving any intimations by enactment on the subject. "It being the true intent and meaning of this act, not to legislate seats of justice into any particular place in any county, not to exclude them therefrom, but to leave the people thereof perfectly free to regulate their domestic affairs in their own way, subject only to the laws of the Territory," is as wholesome doctrine for counties as for Territories.

Respectfully,
S. MEDARY.

The question being, "Shall the Bill pass, the Governor's objections to the contrary notwithstanding?"

Yeas and nays ordered.

Yeas—8. Nays—27.

Yeas, Messrs. Brooks, Dutton, Heath, Lindsay, Morton, Robertson, Shively and Sheldon.

Nays, Messrs. Brown, Bartlett, Chandler, Canniff, Cornwell, Cave, Elliott, Fitzpatrick, Jones, Knowles, Lombard, Murphy, McMath, Noel, Nelson, Parks, Pierce, Reynolds, Steward, Sims, Scott, Sopris, Vanderslice, Whitehead, Wagstaff, Wood and Mr. Speaker.

The Bill having failed to receive a constitutional majority was lost.

Mr. Elliott introduced House Bill No. 441, "An Act to locate permanently the county seat of Breckenridge county."

Read a first time.

Rules suspended.

Read a second and third time, and

Passed.

The title was agreed to.

The consideration of House Bill No. 411, "An Act to change the boundary lines between Coffey and Woodson counties" being in order,

Mr. Sims offered the following as an amendment to the Bill:

Insert after the word "election," 2d line of 4th section, the words "in each county."

Also, in 3d line, same section, after the word "then," insert "the first section of."

Yeas and nays ordered upon the adoption of the amendment.

Yeas—22. Nays—13.

Yeas, Messrs. Brown, Bartlett, Brooks, Cornwell, Cave, Dutton, Heath, Knowles, Lindsay, Murphy, McMath, Morton, Parks, Robertson, Steward, Sims, Shively, Scott, Sopris, Wagstaff, Wood and Mr. Speaker.

Nays, Messrs. Chandler, Canniff, Elliott, Fitzpatrick, Jones, Lombard, Noel, Nelson, Pierce, Reynolds, Sheldon, Vanderslice and Whitehead.

So the amendment was adopted.

Mr. Sims offered the following as an amendment to section 5:

Amend the 5th section as follows: Insert after the word "cost" in 1st line, these words, "in either county."

Adopted.

Bill having been read a third time, and being upon its final passage,

The yeas and nays were ordered.

Yeas—30. Nays—2.

Yeas, Messrs. Brown, Brooks, Chandler, Canniff, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Lombard, Lindsay, Murphy, McMath, Morton, Noel, Nelson, Parks, Pierce, Robertson, Reynolds, Steward, Sims, Shively, Sheldon, Scott, Sopris, Whitehead, Wagstaff and Mr. Speaker.

Nays, Messrs. Bartlett and Wood.

So the Bill passed.

The title was agreed to.

On motion of Mr. Shively,

House adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

House Bill No. 440, a substitute to House Bill No. 16, "An Act supplemental to an Act to incorporate and establish the city of Wyandott, approved January 29, 1859," was taken up.

Mr. Sims offered the following as an amendment to the Bill:

Amend by adding an additional section :

Sec. —. The foregoing provisions of this Act shall be suspended till the first of May next ; *Provided, however*, That, on the fourth Monday in March next, a poll shall be opened for and against being attached to the city, as provided in this Act, at the city of Wyandott, and every legal voter residing in the new limits, by this bill proposed to be added to the city of Wyandott, shall be allowed a vote for or against being so attached to the city, and, if a majority of such votes are for it, the provisions of this Act shall take effect from and after the first day of May next ; but, if a majority are against being attached to the city, this Act shall remain forever inactive.

Mr. McMath moved to lay the amendment upon the table.

Yeas and nays ordered.

Yeas—10. Nays—19.

Yeas, Messrs. Bartlett, Chandler, Canniff, Dutton, Heath, McMath, Morton, Pierce, Sheldon and Wood.

Nays, Messrs. Brown, Cornwell, Cave, Elliott, Jones, Knowles, Lombard, Lindsay, Murphy, Parks, Robertson, Reynolds, Steward, Sims, Shively, Vanderslice, Whitehead and Mr. Speaker.

So the motion was lost.

The question recurring upon the adoption of the amendment,

Mr. Sims demanded the previous question, which was sustained.

Yeas and nays ordered upon the adoption of the amendment.

Yeas—18. Nays—13.

Yeas, Messrs. Brown, Chandler, Cornwell, Cave, Elliott, Fitzpatrick, Jones, Lombard, Lindsay, Murphy, Parks, Robertson, Steward, Sims, Shively, Scott, Whitehead and Mr. Speaker.

Nays, Messrs. Bartlett, Canniff, Dutton, Heath, Knowles, McMath, Morton, Nelson, Pierce, Reynolds, Sheldon, Vanderslice and Wood.

So the amendment was adopted.

Bill was read a third time and

Passed.

Title was agreed to.

Message from the Council:

Mr. Speaker:—The Council direct me to notify the House that they have passed Council Bill No. 109, "An Act to encourage the destruction of Wolves."

Council Bill No. 229, "An Act to divorce Byron E. Hildreth and Harriet B. Hildreth."

Also, that the Council non-concur in House Bill No. 355, reported as a substitute for Council Bill No. 120, "An Act relating to Townships and Township Officers," and respectfully ask your further consideration.

JOHN J. INGALLS,
Secretary.

Mr. Canniff, from a Special Committee, submitted the following report:

The Special Committee to whom was referred House Bill No. 239, "An Act to perfect the organization of Osage county," report the same back to the House, and recommend its passage without amendments.

S. R. CANNIFF, Chairman.

On motion of Mr. Sheldon, House Bill No. 439, "An Act to perfect the organization of Osage county," was taken up.

Bill read a third time and

Passed.

The title was agreed to.

Mr. Murphy offered the following resolution:

Resolved, That the Council be and is hereby requested to return to this House House Bill No. 415, entitled "An Act to amend an Act therein named."

Mr. Wood moved to lay the resolution up the table.

Yeas and nays ordered.

Yeas—14. Nays—16.

Yeas, Messrs. Bartlett, Brooks, Dutton, Fitzpatrick, Heath, Jones, Lindsay, McMath, Morton, Parks, Shively, Sheldon, Scott and Wood.

Nays, Messrs. Brown, Chandler, Canniff, Cornwell, Cave, Knowles, Lombard, Murphy, Nelson. Robertson, Reynolds, Steward, Sims, Vanderslice, Whitehead and Mr. Speaker.

The question recurring upon the adoption of the resolution,

Mr. Murphy demanded the previous question, which was sustained.

Yeas and nays ordered upon the adoption of the resolution.

Yeas—19. Nays—12.

Yeas, Messrs. Brown, Chandler, Canniff, Cornwell, Cave, Fitzpatrick, Jones, Knowles, Lombard, Murphy, Nelson, Robertson, Reynolds, Steward, Sims, Sheldon, Vanderslice, Whitehead and Mr. Speaker.

Nays, Messrs. Bartlett, Brooks, Dutton, Heath, Lindsay, McMath, Morton, Parks, Pierce, Shively, Scott and Wood.

So the resolution was adopted.

Mr. Shively introduced House Bill No. —, "An Act to locate a Territorial Road from Gardner to Ohio City."

Bill read a first time.

Rules suspended.

Read a second and third time and

Passed.

The title was agreed to.

Mr. Dutton introduced House Bill No. 444, "An Act to authorize a Ferry across the great Nemaha river.

Bill read a first time.

Rules suspended.

Read a second and third time and

Passed.

Title was agreed to.

Mr. Wood introduced House Bill No. 445, "An Act to locate a certain Territorial Road."

Read a first time.

Rules suspended.

Read a second and third time, and

Being upon its final passage,

The yeas and nays were ordered.

Yeas—20. Nays—9.

Yeas, Messrs. Brown, Brooks, Canniff, Elliott, Heath, Jones, Lindsay, Morton, Parks, Pierce, Robertson, Reynolds, Steward, Sims, Scott, Sopris, Vanderslice, Whitehead, Wood and Mr. Speaker.

Nays, Messrs. Bartlett, Cornwell, Cave, Dutton, Fitzpatrick, Knowles, Lombard, McMath and Nelson.

So the Bill passed.

The title was agreed to.

Mr. Wood introduced House Bill No. 449, "An Act changing the eastern line of Morris county."

Read a first time.

Rules suspended.

Read a second time.

Mr. Elliott moved to postpone the Bill until to-morrow, at 10 o'clock.

Lost.

The Bill having been read a third time, and being upon its final passage,

The yeas and nays were ordered.

Yeas—27. Nays—4.

Yeas, Messrs. Brooks, Canniff, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lombard, Lindsay, Murphy, McMath, Morton, Nelson, Pierce, Robertson, Reynolds, Steward, Sims, Shively, Scott, Sopris, Vanderslice, Whitehead, Wood and Mr. Speaker.

Nays, Messrs. Brown, Bartlett, Cornwell and Parks.

So the Bill passed.

The title was agreed to.

Mr. Bartlett introduced House Bill No. 448, "An Act for the relief of School Districts and Counties issuing bonds and interest."

Read a first time.

Rules suspended.

Referred to a Select Committee of three: Messrs. Bartlett, Parks, Jones.

Mr. Wood introduced House Bill No. 452, "An Act to divorce Ely Snyder and Lucy Snyder."

Read a first time.

Rules suspended.

Read a second and third time and

Passed.

The title was agreed to.

Mr. Jones introduced House Bill No. 457, "An Act to protect the citizens of Linn county from the depredations of Stock."

Read the first time.

Rules suspended.

Read a second and third time and

Passed.

Title was agreed to.

Also, House Bill No. 452, "An Act to incorporate the Island Ford Mill Company."

Read a first time.

Rules suspended.

Read a second and third time and

Passed.

The title was agreed to.

Mr. Wood introduced House Bill No. 438, "An Act to divorce F. B. Wouzer and Hiram Wouzer.'

Bill read a first time and

Laid over, under the rules.

Mr. Nelson introduced House Bill No. 450, "An Act for the relief of the Hampden Town Company."

Read a first time.

Rules suspended.

Read a second and third time and

Passed.

The title was agreed to.

Mr. Fitzpatrick introduced House Bill No. 458, "An Act to provide for the keeping up of Stock at night, in Shawnee county."

Read a first time.

Rules suspended.

Read a second and third time and

Passed.

The title was agreed to.

Also, House Bill No. 449, "An Act to provide for suspending the payment and setting aside of certain warrants issued by the Auditor of the Territory of Kansas, and of certain bonds issued by the Treasurer of Kansas Territory."

Read a first time.

Rules suspended.

Read a second time, and

Referred to Committee on Ways and Means.

Mr. Parks, from a Special Committee, submitted the following report:

Mr. Speaker:—The Special Committee, to whom was referred House Bill No. 382, "An Act to provide revenue for the year 1859," instruct me to report the following Bill as a substitute, and recommend its passage.

P. S. PARKS, Chairman.

On motion of Mr. Parks, the substitute, as reported by the Committee, was taken up, and

Read a first time.

Rules suspended.

Read a second time.

Mr. Sims offered the following amendment, which was adopted:

All persons who have paid any part of their Territorial tax for 1859, shall be credited by the collector with the amount so paid, on the tax hereby levied.

The Bill having been read a third time, was

Passed.

The title was agreed to.

Message from the Council:

Mr. Speaker:—The Council directs me to inform the House that the Council have passed House Bill No. 424, "An Act to divorce Delos T. Parker and Eliza C. Parker," without amendment.

JOHN J. INGALLS,
Secretary.

Mr. Sims, from the Committee on Enrolled Bills, submitted the following report:

Mr. Speaker:—House Bill entitled "An Act relating to County Officers," is truly enrolled.

C. SIMS, Chairman.

Mr. Heath, from a Special Committee, submitted the following report:

To the Speaker of the House of Representatives:

Your Committee, to whom was referred the petition of Molton G. Farnham, have had the same under consideration, and respectfully beg leave to report the accompanying Bill for the relief of the said Molton G. Farnham, and recommend its passage. Furthermore, your Committee beg leave to state that upon an examination of papers submitted to them, it appears that the said Molton G. Farnham was duly appointed by the Governor of the Territory of Kansas as Special Messenger of this Territory to convey a requisition from the Governor of Kansas upon the Governor of the State of Wisconsin, and that in the execution of the duties of said appointment, the said Molton G. Farnham expended the sum of one hundred and seventy-four dollars in cash, and that the time necessarily consumed by him in said duties amounted to 22 days.

E. HEATH,
P. R. BROOKS,
W. H. FITZPATRICK,
C. B. WHITEHEAD.

The Bill, as reported by the Committee, was taken up.

Read a first time.

Rules suspended.

Read a second and third time and

Passed.

The title was agreed to.

Mr. Brooks, from a Special Committee, submitted the following report:

The Special Committee, to whom was referred House Bill No. 429, beg leave to report the same, and recommend its passage, without amendment.

P. R. BROOKS,
HORATIO KNOWLES.

House Bill No. 429, "An Act to provide for the election of a Commissioner to take charge of the public buildings at Lecompton," was

Read a first time.

Rules suspended.

Read a second and third time and

Passed.

The title was agreed to.

Mr. Jones, from a Special Committee, submitted the following report:

The Committee to whom was referred Joint Resolution in relation to a Company of Cavalry, called the Linn County Militia, organized by J. W. Denver, Governor of Kansas, in the year 1858, for the purpose of restoring and preserving peace in the counties of Linn, Bourbon and Lykins, have had the same under consideration, and, as the result of their investigations, ask leave to submit, for adoption, the following Memorial to Congress.

J. H. JONES,
W. R. WAGSTAFF.

The Memorial, as reported by the Special Committee, was taken up.

Read a first time.

Rules suspended.

Read a second and third time and

Adopted.

Council Bill No. 207, "An Act to provide for the paying over of county and Territorial taxes," was taken up, and

On motion of Mr. Nelson, the word "April" was stricken out, and "June" inserted.

Bill was read a third time and

Passed.

Title was agreed to.

Council Bill No. 120, "An Act relating to Townships and Township Officers," was taken up.

On motion of Mr. Sims, the House receded from its amendments to the Bill.

Mr. Brooks, from the Committee on Corporations, submitted the following report:

The Committee on Corporations, having had under consideration House Bill No. 397, entitled "An Act incorporating the Clifton Town Company," report the same, and recommend its passage, without amendment.

P. R. BROOKS, Chairman.

Mr. Brown offered the following resolution:

Resolved, That any member, detected by the Sergeant-at-Arms in the act of throwing paper balls or other missiles at other members of this House, he shall be deemed guilty of a misdemeanor, to be punished by the assessment of a fine, not less than one nor more than ten dollars, as the Speaker may adjudge.

Mr. Murphy moved to lay the resolution upon the table.

Lost.

The question recurring upon the adoption of the resolution, it prevailed.

Mr. Wood, from the Committee on Roads and Highways, submitted the following report:

Mr. Speaker:—The Committee on Roads have had under consideration House Bill No. 66, entitled "An Act to locate a Territorial Road from Fort Scott to Council Grove."

Also, House Bill No. 207, "An Act to change a certain Territorial Road," have had the same under consideration, and report them back and recommend their passage.

S. N. WOOD,
One of the Committee.

House Bill No. 66, "An Act to locate a Territorial Road from Fort Scott to Council Grove," was taken up.

Read a third time, and

Passed.

The title was agreed to.

House Bill No. 207, "An Act to change a certain Territorial Road," was taken up.

Bill read a third time and

Passed.

Title was agreed to.

House Bill No. — "An Act regulating Elections," was taken up.

Mr. Bartlett moved that the House resolve itself into a Committee of the Whole for the consideration of the Bill.

Lost.

On motion of Mr. Sims, the 5th and 6th sections were stricken out.

On motion of Mr. Nelson, the word "township" was inserted after the word "of."

Section 8, first line, also strike out "Justices of the Peace" and insert "Trustee" where it occurs in the Bill.

Mr. Murphy moved to strike out the word "twelve" and "eleventh" in the fourth line of section 10, and insert "any day previous to the election."

Mr. Bartlett moved to lay the motion upon the table.

Yeas and nays were ordered.

Yeas—19. Nays—10.

Yeas, Messrs. Bartlett, Brooks, Chandler, Canniff, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lindsay, Morton, Robertson, Rankin, Steward, Shively, Scott, Wood and Mr. Speaker.

Nays, Messrs. Brown, Cave, Lombard, Murphy, Nelson, Parks, Reynolds, Vanderslice, Whitehead and Wagstaff.

So the motion prevailed.

Mr. Sims, from the Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER:—House Bill No. 424, is truly enrolled.
C. SIMS, Chairman.

On motion of Mr. Nelson, the words "from the Registry," were stricken out in second line of section 11.

On motion of Mr. Morton, the vote was reconsidered by which the amendment was adopted.

On motion of Mr. Sims, the words "or otherwise" were inserted after the word "Registry" in same line.

On motion of Mr. Bartlett, the word "such" was stricken out in third line of 15th section.

Mr. Sims offered the following as an amendment to section 16:

Provided always, That no citizen of this Territory shall be disfranchised at any election merely by reason of not being registered, if he be duly qualified in all other respects; but such non-resident citizen shall be allowed to vote, if he fully satisfy the judges of election of his right to vote by the oath of two registered voters of the election precinct where he offers to vote.

Mr. Morton moved to lay the amendment upon the table.

Mr. Wood moved a call of the House.

The call was ordered and the Sergeant-at-Arms directed to bring in absentees.

Absent members, Messrs. Brown, Canniff, Cornwell, Dutton, Lynde, Noel, Pierce and Sheldon.

On motion of Mr. Morton, further prooceedings under the call were dispensed with.

The question recurring upon the motion to lay the amendment offered by Mr. Sims upon the table,

The yeas and nays were ordered.

Yeas—19. Nays—13.

Yeas, Messrs. Bartlett, Brooks, Chandler, Canniff, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lynde, Lindsay, Morton, Pierce, Robertson, Rankin, Steward, Shively, Sheldon, Scott, Wood and Mr. Speaker.

Nays, Messrs. Brown, Cave, Lombard, Murphy, McMath, Nelson, Parks, Reynolds, Sims, Sopris, Vanderslice, Whitehead and Wagstaff.

So the motion was lost.

Message from the Council:

MR. SPEAKER:—The Council direct me to notify the House that the Council have passed House Bill No. 6, "An Act to prohibit Slavery in Kansas," by the constitutional majority, the objections of the Governor to the contrary notwithstanding.

JOHN J. INGALLS,
Secretary.

The question being upon the motion to adopt the 16th section,

Mr. Bartlett demanded the previous question, which was sustained.

The yeas and nays were ordered.

Yeas—23. Nays—12.

Yeas, Messrs. Bartlett, Brooks, Chandler, Canniff, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lynde, Lindsay, Morton, Nelson, Pierce, Robertson, Rankin, Steward, Shively, Sheldon, Scott, Wood and Mr. Speaker.

Nays, Messrs. Brown, Cave, Lombard, Murphy, McMath, Parks, Reynolds, Sims, Sopris, Vanderslice, Whitehead and Wagstaff.

So the section was adopted.

Mr. Nelson moved to reconsider the vote.

Mr. Wood moved to indefinitely postpone the motion to reconsider.

Carried.

On motion of Mr. Lombard,

House adjourned.

FRIDAY, February 24, 1860,
9 o'clock, A. M.

House called to order by the Speaker.

Roll called.

Not being a quorum present, the Sergeant-at-Arms was directed to bring in absentees.

Journal of yesterday read and approved.

Mr. Colton, from a Special Committee, submitted the following report:

The Committee, to whom was referred House Bill No. 413, "An Act amendatory of an Act entitled 'An Act to provide for the supervision and maintenance of Common Schools,'" beg leave to report the same back and recommend its passage.

G. A. COLTON, Chairman.

House Bill No. 413, "An Act amendatory to an Act entitled 'An Act to provide for the supervision and maintenance of Common Schools,'" was taken up.

Bill read a third time and

Passed.

The title was agreed to.

Council Bill No. 229, "An Act to incorporate the State Line, Osawatomie and Fort Union Railroad," was taken up.

Read a first time.

Rules suspended.

Read a second time and

Referred to Committee on Militia.

Mr. Bartlett offered the following resolution:

WHEREAS, It is asserted that Council Bill No. 170, "An Act to change the name of Lykins county," was on yesterday lost or purloined from the possession of this House; therefore

Resolved, That a Committee of three be appointed to inquire into the sudden disappearance of said Bill, who shall report to this House on or before to-morrow morning at 10 o'clock.

Mr. Brown moved to lay the resolution upon the table.

Carried.

Message from the Governor:

Executive Office, K. T.,
February 23, 1860.

To the Speaker of the House of Representatives:

I have this day approved House Bills, "An Act incorporating Grasshopper Falls Lodge of Ancient Free and Accepted Masons."

"An Act to incorporate the Beach Valley Town Company."

"An Act to incorporate the Margaretta Town Company."

"An Act relative to County Orders for the county of Shawnee."

"An Act making citizens of certain Indians in Kansas Territory."

"An Act to incorporate the Coffey County Agricultural Society."

"An Act to incorporate the Palermo Coal Mining Company."

"An Act to provide for the partition of Real Estate."

"An Act to incorporate the Carlyle Town Company."

"An Act to establish a Ferry across the Kansas river, at the town of De Soto."

"An Act defining and establishing the northern boundaries of Shawnee and Osage counties."

"An Act divorcing Robert S. Strother and Rhoda Strother," and

"An Act to establish a County Poor House in Leavenworth county, and to provide for the maintenance of the same."

Respectfully,
S. MEDARY.

Message from the Council:

Mr. Speaker:—The Council direct me to notify the House that they have passed House Bill No. 159, "An Act to charter the Palmetto Bridge Company."

House Bill 418, "An Act to amend 'An Act to charter a Ferry at Elwood,'" &c.

House Bill No. 157, "To incorporate the village of Oskaloosa."

House Bill 428, supplemental to "An Act to incorporate the American Mining Company."

House Bill 393, amending "An Act extending the time for payment of Taxes in Doniphan county."

House Bill No. 128, to amend "An Act to incorporate the Wyandott and Osawatomie Railroad Company."

House Bill 436, "To legalize the official acts of Jason D. Passmore."

House Bill 390, "To legalize the assessment made by William Fuller."

House Bill 299, "Divorcing Henry Hart and Henrietta Hart."

House Bill 278, "To incorporate the Kansas Central College."

House Bill 449, "Changing the eastern line of Morris county."

House Bill 390, "To incorporate the Marion Town Company."

House Bill 298, "Divorcing W. Perry and L. A. Perry."

House Bill 286, "Divorcing Olive Smith and Samuel Smith."

House Bill 378, "Divorcing Henderson H. Boggs and Susan Boggs."

House Bill 444, "Authorizing a Ferry across the Great Nemaha river."

House Bill 441, "To locate the Seat of Justice of Breckenridge county."

House Bill 432, "To divorce Anna A. Allen and Nathaniel Allen."

House Bill 433, "Divorcing George J. Martin and S. H. Martin."

House Bill 399, amending "An Act incorporating the Iowa Point Steam Ferry Company."

House Bill 466, "Divorcing J. Henderson and E. Henderson."

House Bill 371, "Divorcing Joseph Shaft and A. A. Shaft."

House Bill 452, "Divorcing Ely Snyder and Semi Snyder."

House Bill 306, "To incorporate the Fort Scott Bridge and Ferry Company."

House Bill 305, "To incorporate the Fort Scott Town Company," without amendment.

House Bill 329, "An Act amending 'An Act exempting certain property from sale upon execution," &c., with the following amendment:

Section 3, last line, for "its passage," read "the first day of May next."

Council Bill No. 222, "relating to the issue of certain Bonds by the City of Leavenworth."

Council Bill No. 208, "To incorporate Atchison Fire Marine and Life Insurance Company."

Council Bill 135, "To incorporate the Arrapahoe Improvement Association."

Council Bill 219, "To incorporate the Town of Osawatomie."

Council Bill 218, "To charter a Ferry across the Kansas River."

Council Bill 206, "To incorporate the Rochester Town Company."

Council Bill 197, "To amend an Act providing for the assessment and collection of Taxes."

Council Bill 188, "To incorporate the Arazo Town Company."

Council Bill 181, "To charter a Ferry."

Council Bill No. 155, "To incorporate the Smoky Hill Bridge Company."

Council Bill No. 223, "Legalizing assessment of Taxes in Franklin county."

Council Bill No. 215, "To incorporate the Lincoln Town Company."

Council Bill No. 226, "An Act to authorize the city of Lawrence to issue Bonds," and ask your concurrence.

Also, that the Council have concurred in House amendments to Council Bill No. 88, "An Act to amend the charter of Leavenworth city."

JOHN J. INGALLS,
Secretary.

Mr. Speaker:—The Council direct me to notify the House, that they have passed Council Bill No. 194, "An Act defining the boundary line between the counties of Wyandott and Johnson."

House Bill No. 439, "An Act to perfect the organization of Osage county," with the following amendment:

In the third section, strike out the words "the treasuries of the respective counties" and insert the words "the treasurer of Osage county."

House Bill No. 426, "An Act divorcing Lydia W. Peck and H. N. Peck."

House Bill No. 158, "An Act chartering a Ferry across the Missouri River, at a point opposite Forest City."

House Bill No. 235, "An Act to authorize William Butz and others, to build a Bridge," with the following amendments:

Strike out the names of "J. M. Hendry, A. J. Chipman, P. R. Brooks, S. A. Brouse" and insert "A. Cutler and William J. King."

Add to section 1, "provided further that said bridge shall be so constructed as not to interfere with the present fording of said stream."

House Bill 110, "An Act to establish a Ferry at Manhattan," with the following amendments:

In section 1, for "four miles" read "one mile."

Strike out section 4, entire.

Council Bill No. 225, "An Act to amend an Act to incorporate the Kansas Central Telegraph Company."

House Bill No. 324, "An Act to prevent and punish Armed Invasions from and into this Territory."

Council Bill No. 198, "An Act to incorporate the Leavenworth City Railroad Company."

House Bill No. 344, "An Act to incorporate the Eagle Quartz Mining and Crushing Company."

Council Joint Resolution No. 3, relating to claims awarded by the Claim Commissioners.

House Bill No. 354, "An Act to incorporate the Leavenworth Fire Marine and Life Insurance Company."

Also, that the Council have adopted the following concurrent resolution:

Resolved, By the Council, the House of Representatives concurring, that the Sergeant-at-Arms of each House be instructed to present their respective Houses with an itemized statement of all expenses incurred by them in behalf of the annual and special sessions of the Legislative Assembly for 1860, on the 25th day of February, inst. Also, that each clerk shall present his account for services, that the whole expenses incurred may be referred to the Committee of Accounts of the respective Houses.

And be it further Resolved, That the Committee that may be appointed by the two Houses, to audit claims for expenses of the sessions of 1860, be instructed to allow no claims that have not been passed on favorably by the respective Houses.

Your concurrence is desired.

JOHN J. INGALLS,
Secretary.

Mr. Fitzpatrick offered the following preamble and resolution:

WHEREAS, The citizens of Kansas, during the political troubles which prevailed in the Territory, during the early part of its history, suffered greatly in the loss of property, many of them having lost all, or nearly all they possessed, therefore

Resolved, By the House, the Council concurring therein, that we do most earnestly, but respectfully, urge upon Congress that a sufficient appropriation be made, either in land or money, at an early day, to meet the losses thus sustained by our citizens, and that a copy of the foregoing preamble and resolution be forwarded to our delegate in Congress, and that he be respectfully requested to urge upon Congress the necessity and justice of such an appropriation.

On motion of Mr. Scott, the rules were suspended, and

The resolution read a second time and

Adopted.

Mr. Bartlett moved a reconsideration of the vote.

Carried.

Mr. Parks offered the following as an amendment to the resolution:

"That the Governor be respectfully requested to transmit a copy of the resolutions, with a copy of the report of the Claim Commissioners, together with all the testimony respecting said claims, and the record of the proceedings of said Commissioners, to Congress; and that the Commissioners. Auditor and Secretary of the Territory, be, and are hereby authorized and directed to deliver to such persons, as may be appointed by the Governor, the possession of all the original testimony, books, papers and documents of said Commissioners, that the same may be taken to Washington and exhibited to Congress, and then be returned to the persons from whom they were originally received: *Provided*, Those who are interested in said claims shall pay the expenses of said special agent."

Mr. Sims offered the following as an amendment to the amendment:

Amend the amendment by adding thereto as follows: "*And further Resolved*, That until the General Government shall have refused to indemnify the sufferers above named, the Territory will not undertake to indemnify in the premises; nor then, until the terms of such indemnity shall be provided for by future legislation on the part of the Territory."

Mr. Wood moved to lay the amendment offered by Mr. Sims upon the table.

Yeas and nays ordered.

Yeas—16. Nays—20.

Yeas, Messrs. Bartlett, Brooks, Chandler, Canniff, Dutton, Heath, Jones, Knowles, Lindsay, McMath, Morton, Nelson, Rankin, Sheldon, Wood and Mr. Speaker.

Nays, Messrs. Brown, Cornwell, Cave, Elliott, Fitzpatrick, Lombard, Lynde, Murphy, Noel, Parks, Pierce, Robertson, Reynolds, Steward, Sims, Shively, Scott, Vanderslice, Whitehead and Wagstaff.

So the motion to lay upon the table was lost.

The question recurring upon the adoption of the amendment,

The yeas and nays were ordered.

Yeas—18. Nays—18.

Yeas, Messrs. Brown, Cornwell, Cave, Fitzpatrick, Lombard, Lynde, Murphy, Noel, Parks, Robertson, Reynolds, Steward, Sims, Shively, Scott, Vanderslice, Whitehead and Wagstaff.

Nays, Messrs. Bartlett, Brooks, Chandler, Canniff, Dutton, Elliott, Heath, Jones, Knowles, Lindsay, McMath, Morton, Nelson, Pierce, Rankin, Sheldon, Wood and Mr. Speaker.

There being a tie vote, the amendment was lost.

The question being upon the adoption of the amendment offered by Mr. Parks, it prevailed.

The question recurring upon the adoption of the resolution as amended, it prevailed.

Mr. Whitehead offered the following resolution, which was adopted:

Resolved, That the Committee who have in their possession House Bill No. 321, "An Act to incorporate the Marysville and Denver City Railroad Company," be required to report the same to this House immediately.

The special order being the consideration of House Bill No. 450, "An Act to provide for the suspending and setting aside of certain Warrants issued by the Auditor of the Territory, and of certain Bonds issued by the Treasurer of the Territory," it was taken up.

Mr. Heath, from the majority of the Committee on Ways and Means, submitted the following report.

We, the undersigned, a majority of the Committee on Ways and Means, to whom was referred House Bill No. 450, entitled "An Act to provide for suspending the payment and setting aside of certain Warrants issued by the Auditor of the Territory of Kansas, and of certain Bonds issued by the Treasurer of the Territory of Kansas," beg leave to report that they have considered the same, and recommend that no action be taken in regard to it; but that the Legislature memorialize Congress to pay the awards of the Claim Commissioners.

ERASTUS HEATH,
P. R. BROOKS,
W. L. McMATH.

Mr. Fitzpatrick, from the Committee on Ways and Means, submitted the following minority report:

The undersigned, a minority of the Committee of Ways and Means, to whom was referred House Bill No. 450, entitled "An Act to provide for suspending the payment and setting aside of certain Warrants issued by the Auditor of the Territory of Kansas and of certain Bonds issued by the Treasurer of the Territory of Kansas," beg leave to submit the following report:

The minority of your Committee have examined with considerable care the above named Bill, and would most earnestly recommend its passage, after striking out the fourth section, as we regard its provisions not only just, but of imperative necessity for the protection of the people and of the credit of the Territory.

W. H. FITZPATRICK,
CARY B. WHITEHEAD.

Mr. McMath moved that the report of the majority of the Committee be adopted.

Mr. Rankin moved to postpone the whole subject until to-morrow, at 10 o'clock, A. M.

Mr. Brown moved to lay the motion on the table.

Yeas and nays ordered.

Yeas—20. Nays—16.

Yeas, Messrs. Brown, Bartlett, Cornwell, Cave, Fitzpatrick, Jones, Lombard, Lynde, Murphy, McMath, Noel, Parks, Pierce, Robertson, Steward, Sims, Vanderslice, Whitehead and Wagstaff.

Nays, Messrs. Brooks, Chandler, Canniff, Heath, Knowles, Lindsay, Morton, Nelson, Rankin, Shively, Sheldon, Scott, Sopris, Wood and Mr. Speaker.

So the motion prevailed.

The question recurring upon the adoption of the report of the majority of the Committee, Mr. McMath demanded the previous question, which was sustained.

Yeas and nays ordered upon the adoption of the report:

Yeas—17. Nays—19.

Yeas, Messrs. Brooks, Canniff, Dutton, Heath, Jones, Knowles, Lynde, Lindsay, McMath, Morton, Nelson, Rankin, Shively, Sheldon, Sopris, Wood and Mr. Speaker.

Nays, Messrs. Brown, Bartlett, Chandler, Cornwell, Cave, Fitzpatrick, Lombard, Murphy, Noel, Parks, Pierce, Robertson, Reynolds, Steward, Sims, Scott, Vanderslice, Whitehead and Wagstaff.

So the motion was lost.

Mr. Wood moved to lay the report of the minority of the Committee upon the table.

Yeas and nays ordered.

Yeas—18. Nays—17.

Yeas, Messrs. Brooks, Chandler, Dutton, Heath, Jones, Knowles, Lynde, Lindsay, McMath, Morton, Nelson, Rankin, Shively. Sheldon, Scott, Sopris, Wood and Mr. Speaker.

Nays, Messrs. Brown, Canniff, Cornwell, Cave, Fitzpatrick, Lombard, Murphy, Noel, Parks, Pierce, Robertson, Reynolds, Steward, Sims, Vanderslice, Whitehead, and Wagstaff.

So the motion prevailed.

House Bill No. —, "An Act making appropriations for the year 1859," was taken up.

On motion of Mr. Wood, the rules were suspended, and

The Bill read a second time.

Mr. Heath offered the following communication, from the Secretary of the Territory, as an amendment to the Bill:

It will be seen, by an examination of the Laws of 1858, page 63, chapter 9, that the Secretary of the Territory was empowered to employ a suitable draughtsman for the purpose of laying out the roads of the Territory, and that he should have power to draw his order on the Treasurer for the amount.

I, as Secretary, caused two large maps to be made, which are in the Executive office, at Lecompton, correctly drafted from Government surveys, with correct Topography, and the counties laid out according to the proper boundaries, as defined in the laws; also, all the townships, as created by the counties, and all roads of which I have been able to get any correct statement from the proper authorities, and all the surveys of Territorial Roads made last year, were laid down on said map.

The Codifying Commissioners repealed the law, and I have not been paid for causing them to be made.

The maps would cost, if made by any regular draughtsman, about two hundred and fifty dollars, and they are in the office, in my charge, and are valuable to the Territory or State much more than their cost.

H. S. WALSH.

I did not draw any order on the Treasurer for them while the law was in existence, because the maps were not perfect.

H. S. WALSH.

On motion of Mr. Wood, the amendment was adopted.

Mr. Cornwell offered the following amendment:

Strike out all in relation to the paying of the expenses of the Wyandott Constitutional Convention.

Mr. Sheldon moved to lay the amendment on the table.

Yeas and nays ordered.

Yeas—23. Nays—8.

Yeas, Messrs. Bartlett, Brooks, Chandler, Canniff, Elliott, Heath, Jones, Knowles, Lynde, McMath, Morton, Nelson, Pierce, Robertson, Rankin, Steward, Shively, Sheldon, Scott, Sopris, Whitehead, Wood and Mr. Speaker.

Nays, Messrs. Cornwell, Cave, Lombard, Noel, Parks, Reynolds, Sims and Wagstaff.

So the motion prevailed.

Mr. Morton moved to amend by striking out "two" and inserting "five" in the Bill.

Carried.

On motion of Mr. McMath, the Bill was read a third time, and

Being upon its final passage,

The yeas and nays ordered.

Yeas—21. Nays—8.

Yeas, Messrs. Bartlett, Brooks, Canniff, Elliott, Heath, Jones, Knowles, Lynde, McMath, Morton, Nelson, Pierce, Robertson, Rankin, Steward, Shively, Sheldon, Sopris, Whitehead and Mr. Speaker.

Nays, Messrs. Cornwell, Lombard, Parks, Reynolds, Sims, Scott, Wagstaff and Wood.

So the Bill passed.

The title was agreed to.

Mr. Bartlett offered the following resolution, which was adopted:

Resolved, That a Committee of three be appointed to inquire into the true state of all Bills acted upon by this House, and report the same, at the earliest possible moment.

Messrs. Wood, Lynde and Sheldon.

Mr. Elliott introduced House Bill No. 467, "An Act to change the name of Breckenridge county."

Read a first time.

Rules suspended.

Read a second time, and

Referred to a Special Committee of three: Messrs. Elliott, Morton and Scott.

Also, House Bill No. 464, "An Act to facilitate Industry and Stock raising in Breckenridge county."

Read a first time.

Rules suspended.

Read a second time and

Referred to the Committee on Agriculture.

Mr. Scott introduced House Bill No. 461, "An Act to incorporate the Kansas College of Medicine and Surgery."

Read a first time.

Rules suspended.

Read a second time and

Referred to Committee on Corporations.

Mr. Wood introduced House Bill No. 462, "An Act supplemental to an Act making an apportionment for the fifth Legislative Assembly."

Read the first time.

Rules suspended.

Read a second time and

Referred to Committee on Apportionment.

Mr. Whitehead introduced House Bill No. 321, "An Act to incorporate the Marysville and Denver City Railroad Company."

Read a first time.

Rules suspended.

Read a second time and

Referred to Committee on Militia.

Mr. Robertson introduced House Bill No. 466, "An Act declaring the old Fort Kearney road a Territorial Road."

Read a first time.

Rules suspended.

Read a second and third time and

Passed.

The title was agreed to.

Mr. Wagstaff introduced House Bill No. 465, "An Act to declare certain roads Public Highways."

Read the first time.

Rules suspended.

Read the second and third time and

Passed.

The title was agreed to.

Mr. Wood introduced House Bill No. 463, "An Act relating to accompanying claimants."

Read the first time.

Rules suspended.

Read the second time and

Referred to Committee on Judiciary.

On motion of Mr. Elliott,

House adjourned.

AFTERNOON SESSION.

Two o'clock.

Mr. Whitehead moved a call of the House, which was ordered, and the Sergeant-at-Arms ordered to bring in absentees.

On motion of Mr. Sopris, further proceedings under the call of the House were dispensed with.

Mr. Bartlett, from the Committee on Mail Routes, submitted a report, which was adopted.

House Bill No. 439, "An Act to effect the organization of Osage county," was taken up.

On motion of Mr. Sheldon, the amendments of the Council were concurred in.

Mr. Lynde, from the Committee on County Lines and County Seats, submitted the following report:

Mr. Speaker:—The Committee on County Lines and County Seats, to whom was referred Council Bill No. 76, "An Act to provide for the permanent location of the Seat of Justice of Jefferson county," beg leave to report the same back to this House, and recommend its indefinite postponement.

EDWARD LYNDE,
THOMAS LINDSAY,
G. W. NELSON.
J. H. JONES,
H. R. DUTTON,

Council Bill No. 76, "An Act to provide for the permanent location of the Seat of Justice of Jefferson county," was taken up.

On motion of Mr. Lindsay, the amendments of the Committee were agreed to, and the Bill indefinitely postponed.

Mr. Wood, from the Special Committee, submitted the following report:

Mr. Speaker:—The Special Committee, to whom was referred Council Bill No. 85, "An Act to charter a ferry across the Arkansas river," have considered the same and recommend its passage.

S. N. WOOD.

Mr. Lynde, from the Committee on Enrolled Bills, submitted the following report:

Mr. Speaker:—This morning, at 9 o'clock, I presented to the Governor House Bill No. 424, "An Act to divorce Delos F. Parker and Eliza N. Parker."

E. LYNDE.

Mr. Speaker:—On the 26th instant, at 6 o'clock, P. M., I presented to the Governor House Bill No. 433, "An Act to define the northern and southern boundaries of Shawnee and Osage counties."

E. LYNDE.

Mr. Speaker:—To-day I presented to the Governor the following House Bills:

No. 151, "An Act to authorize the Tribunal transacting county business in the county of Johnson to issue bonds."

No. 333, "An Act to repeal an Act entitled 'An Act to incorporate the St. Charles Town Company.'"

No. 277, "An Act to incorporate the Wabaunsee County Agricultural Society."

No. 21, "An Act to facilitate the settlement of Estates of deceased partners."

No. 107, "An Act extending the time for the collection of taxes in Leavenworth county."

No. 373, "An Act legalizing wire fences."

No. 129, "An Act establishing Highways in the county of Brown."

E. LYNDE,
Member of the Enrolling Committee.

Mr. Lynde, from the Committee on County Lines, submitted the following report:

MR. SPEAKER:—The Committee on County Lines and County Seats, to whom was referred House Bill No. 219, "An Act organizing the county of Dickinson," beg leave to report that they have considered the same, and recommend its passage.

MR. SPEAKER:—The Committee on Counties, to whom was referred Council Bill No. 190, "An Act to organize the county of Irving and define the boundaries thereof," beg leave to report the same back to the House for its consideration.

E. LYNDE, Chairman.

Mr. Lynde, from the Special Committee, submitted the following report:

MR. SPEAKER:—The Special Committee, to whom was referred Council Bill No. 29, "An Act to charter a ferry across the Fountaine qui Bouille River, in Kansas Territory," have considered the same, and report the Bill back to this House and recommend its passage.

E. LYNDE.

Mr. Wood, from the Judiciary Committee, submitted the following report:

MR. SPEAKER:—The Judiciary Committee, to whom was referred House Bill No. 299, entitled "An Act relating to County and Township Officers," have had the same under consideration, and recommend its passage, with the following amendments:

In first line, Section 2, strike out the words "township and."

In second line, same section, strike out the same words.

In Section 3, strike out "township" wherever it occurs.

S. N. WOOD, Chairman.

The amendments of the Committee were agreed to.

Mr. Lynde introduced House Bill No. —, "An Act to divorce Harry G. Turner and Melinda Turner."

Read a first time.

Rules suspended.

Read a second and third time and

Passed.

Title agreed to.

House Bill No. —, "An Act to locate the County Seat of Coffey county," was taken up.

Read the first time.

Rules suspended.

Read second and third times and

Passed.

Title was agreed to.

Council Bill No. 229, "An Act to divorce Byron E. Hildreth and Harriet Hildreth," was taken up.

Read first time.

Rules suspended.

Read second and third time and

Passed.

Title was agreed to.

Mr. Sopris offered the following resolution, which was adopted:

Resolved, That all Standing and Select Committees be requested to report all Bills in their hands, by 12 o'clock to-morrow, the 25th inst.; that no more Bills be referred to Committees after the 24th.

Mr. Jones offered the following resolution, which was adopted:

Resolved, That the Governor be requested to forward to our Representative in Congress, (the Hon. M. J. Parrott) a certified copy of the Memorial to Congress, asking the defraying of the expense of the Linn county Militia, organized in 1858, by Gov. Denver, together with a certified copy from the Secretary's office, of the number of said Militia, the date of their commission and time of their discharge.

Mr. Knowles, from the Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER:—The Committee on Enrolled Bills, having examined House Bills No. 126, "An Act providing for the permanent location of the County Seat of Douglas county."

No. 364, "An Act to divorce Gertrude Seaver and Wilson Seaver."

No. 306, "An Act to incorporate the Fort Scott Bridge and Ferry Company."

No. 17, "An Act to incorporate the Wyandott City Insurance Company."

No. 159, "An Act to charter the Palmetto Bridge Company."

No. 256, "An Act divorcing Sarah Wood and Charles F. Wood."

No. 285, "An Act divorcing Camillia Woodhull and Stephen Woodhull."

No. 162, "An Act to divorce Elizabeth Jones and James Jones," find the same correctly enrolled.

HORATIO KNOWLES,
Member of Committee.

House Bill No. 388, "An Act to regulate Elections," wa taken up.

Read a third time, and

Being upon its final passage,

Yeas and nays ordered.

Yeas—19. Nays—11.

Yeas, Messrs. Bartlett, Brooks, Canniff, Cave, Dutton, Elliott, Fitzpatrick, Heath, Knowles, Lynde, Lindsay, Nelson, Pierce, Robertson, Rankin, Steward, Shively, Scott and Mr. Speaker.

Nays, Messrs. Brown, Cornwell, Lombard, Murphy, McMath, Parks, Reynolds, Sopris, Vanderslice, Whitehead and Wagstaff.

So the Bill passed.

The title was agreed to.

Mr. Bartlett, from the Special Committee, submitted the following report:

Mr. Speaker:—The Special Committee, to whom was referred Council Bill No. 87, "An Act appropriating money to defray certain Judicial expenses of the Territory of Kansas," have considered the same and recommend the passage of the same, with the following amendments:

Strike out all after the words "sum of," in the twelfth line of Section 1, and insert the following: "Six thousand dollars, and no money herein appropriated shall be applied to the payment of costs accruing upon any case commenced in the years 1855, 1856 and 1857."

"Sec. 2. This Act to take effect and be in force from and its passage."

A. BARTLETT,
H. R. DUTTON,
G. G. PIERCE.

Council Bill No. 87, "An Act appropriating money to defray certain Judicial expenses of the Territory of Kansas," was taken up.

Read a third time.

On motion of Mr. Wood, the vote was reconsidered by which the Bill was ordered to a third reading.

Mr. Bartlett offered the following amendment, which was adopted:

Amend Section 1, as follows: In the last line of said section, after the word "accruing," insert "upon any case or cases commenced."

The Bill was read a third time and

Passed.

The title was agreed to.

Mr. Pierce, from a Special Committee, submitted the following report, which was agreed to:

Mr. Speaker:—The Special Committee, to whom was referred House Bill, "An Act to amend an Act entitled 'An Act to incorporate the Marysville, Palmetto and Roseport Railroad Company,'" ask leave to report the following Bill as a substitute for the same, the original Bill having been lost, and recommend the passage of the same.

G. G. PIERCE,
C. B. WHITEHEAD.

Message from the Council:

MR. SPEAKER:—The Council direct me to notify the House that the Council have passed House Bill No. 187, "An Act to establish a Probate Court for Leavenworth and other counties."

House Bill No. 360, "An Act to incorporate the Leavenworth City Museum."

House Bill 422, "An Act to incorporate the Lawrence Gas Light Company."

House Bill 319, "To incorporate the Washington Mining Company."

House Bill No. 318, "To incorporate the Norwood Mining Company."

House Bill 317, "To incorporate the Auraria Mining Company."

House Bill 431, "To protect the citizens of Linn county from depredations of Stock."

House Bill 367, "An Act to incorporate the Kansas Vine Company."

House Bill 425, "An Act amending an Act to incorporate the Leavenworth Gas Company."

House Bill 388, "An Act to provide for supplying the city of Leavenworth with pure Water."

House Bill 144, "Amending an Act to incorporate the city of Lecompton."

House Bill 328, "To establish a Bridge across Big Stranger Creek."

House Bill 241, "Authorizing Ira O. Moore and others, to construct a Bridge over the Colorado River."

House Bill 312, "An Act to incorporate the Detroit Town Company."

House Bill 182, "To authorize Simon Ritter to erect a Toll Bridge."

House Bill No. 337, "An Act to incorporate the Town of Hiawatha."

House Bill 138, "An Act to incorporate the South Platte river Improvement and Lumbering Association."

House Bill No. 213, "An Act to charter and establish a Ferry across the Kansas river, at the mouth of the Wakarusa."

House Bill No. 351, "To incorporate the Mount Prospect Cemetery Association."

House Bill No. 295, "To provide for a new assessment in Breckenridge county."

House Bill No. 341, "To incorporate the Fremont Collegiate Association."

House Bill 264, "An Act to provide for a Justice of the Peace in and for the city of Ogden."

House Bill No. 320, "An Act to legalize certain official acts of E. W. Stratton."

House Bill No. 289, "To charter a Ferry across the Neosho."

House Bill No. 316, "To charter a Ferry across the Marais des Cygnes."

House Bill No. 326, "An Act to incorporate the St. Marysville Town Company," without amendment.

House Bill 168, "An Act to amend an Act entitled 'An Act to amend an Act regulating the Jurisdiction and Procedure before Justices of the Peace, and the duties of Constables in civil cases,'" with the following amendment:

Strike out "section 1."

Council Bill No. 149, "To incorporate the Cherokee Coal and Mining Company."

Council Bill 234, "To incorporate the Missouri, Southern Kansas, Fort Union and Pacific Telegraph Company."

Council Bill 233, "Declaring a certain section line a Territorial Road."

Council Bill 235, "Concerning Line Fence."

Council Bill No. 231, "An Act relating to Dower," and ask your concurrence.

JOHN J. INGALLS,
Secretary.

Mr. Lindsay, from the Committee on Agriculture and Manufactures, would report that we have had under consideration House Bill No. 464, "An Act to facilitate Industry and Stock Raising," and would report the same back to the House without recommendation.

T. LINDSAY, Chairman.

House Bill No. 464, "An Act to facilitate Stock Raising in Breckenridge county," was taken up.

Mr. Wood offered the following amendment, which was adopted:

"This section shall only apply to Breckenridge county."

The Bill was read a third time and

Passed.

On motion of Mr. Sopris, the title was amended by inserting the words "and industry" after the word "raising."

Council Bill 128, "An Act amendatory to an Act exempting certain Property from Sale on Execution or other process."

Bill read a third time and

Passed.

The title was agreed to.

Mr. Scott, from a Special Committee, offered the following report:

The Special Committee, to whom was referred Council Bill 138, "An Act to amend an Act defining the Judicial Districts of the Territory," beg leave to report that they have examined the same, and recommend its passage with the following amendment:

Sec. 1. In 5th and 6th lines, strike out the words "and that all the Indian reservations within the county of Johnson."

Sec. 2. 3d line, after the word "ever," strike out "all the" and insert "such."

Same section, 4th line, strike out "and" and insert "an."

JOHN W. SCOTT, Chairman.

The amendments of the Committee were agreed to, and

The Bill read a third time and

Passed.

The title was agreed to.

Mr. Lynde, from the Committee on Enrolled Bills, made the following report:

Mr. Speaker:—The Enrolling Committee have examined House Bill No. 299, "An Act divorcing Henry Hart and Henrietta Hart," and find the same correctly enrolled.

E. LYNDE,
Member of Committee.

Mr. Bartlett, from Special Committee, made the following report:

The Special Committee, to whom was referred House Bill No. 449, beg leave to report the following substitute, and recommend its passage.

A. BARTLETT.

The report was agreed to, and the substitute adopted.

On motion of Mr. Bartlett, the substitute was taken up.

Read a second and third time and

Passed.

The title was agreed to.

Mr. Wood in the chair.

Mr. Reynolds, from a Special Committee, made the following report:

The undersigned, one of your Committee, to whom was referred Council Bill No. 201, "An Act supplementary to an Act entitled 'An Act establishing the boundaries of Davis county,'" would report that your Committee are unable to agree, and would further report by recommending the passage of the Bill, with the following amendments:

Strike out all relating to taxes and the collection of the same.

ROBERT REYNOLDS.

The amendments were agreed to.

The Bill was taken up.

Read a third time and

Passed.

The title was agreed to.

Council Bill No. —, "An Act relating to Dower," was taken up.

Bill read a second and third time and

Passed.

The title was agreed to.

Mr. Nelson, from the Committee on Education, submitted the following report:

Mr. Speaker:—The Committee to whom was referred House Bill 233, "An Act to amend an Act entitled 'An Act to provide for the organization, supervision and maintenance of Common Schools,' approved February 11, 1859," have had the same under consideration, and report the same back and recommend its passage.

G. W. NELSON,
F. LOMBARD,
FRED. BROWN,
P. R. BROOKS,
H. SHIVELY.

House Bill No. 233, "An Act to amend an Act entitled 'An Act to provide for the organization, supervision and maintenance of Common Schools," was taken up, and

Read a second and third time, and

Being upon its final passage,

The yeas and nays were ordered.

Yeas—19. Nays—13.

Yeas, Messrs. Bartlett, Brooks, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Heath, Lombard, Nelson, Pierce, Reynolds, Shively, Scott, Vanderslice, Whitehead, Wright, Wood and Mr. Speaker.

Nays, Messrs. Brown, Chandler, Jones, Knowles, Lynde, Lindsay, Murphy, McMath, Morton, Robertson, Steward, Sopris and Wagstaff.

So the Bill passed.

The title was agreed to.

Council Bill No. 214, "An Act to amend an Act entitled 'An Act to amend an Act providing for the appointment of Territorial Auditor and prescribing the duties of his office,'" was taken up.

Read a first and second time, and

Referred to Committee on Judiciary.

Council Bill No. 212, "An Act for the encouragement of Wool growing," was taken up.

Mr. Jones moved to indefinitely postpone the Bill.

Mr. Lombard moved to lay the motion upon the table.

Yeas and nays ordered.

Yeas—16. Nays—13.

Yeas, Messrs. Brown, Brooks, Cornwell, Heath, Knowles, Lombard, Lindsay, Murphy, McMath, Morton, Pierce, Reynolds, Shively, Scott, Sopris and Vanderslice.

Nays, Messrs. Bartlett, Chandler, Cave, Dutton, Fitzpatrick, Jones, Lynde, Robertson, Whitehead, Wright, Wagstaff, Wood and Mr. Speaker.

And so the motion was laid on the table.

The question recurring on the final passage of the Bill,

The yeas and nays ordered.

Yeas—20. Nays—11.

Yeas, Messrs. Brown, Brooks, Canniff, Cornwell, Dutton, Fitzpatrick, Heath, Knowles, Lombard, Murphy, Morton, Pierce, Robertson, Reynolds, Steward, Shively, Scott, Sopris, Vanderslice and Wood.

Nays, Messrs. Bartlett, Chandler, Cave, Jones, Lynde, Lindsay, McMath, Whitehead, Wright, Wagstaff and Mr. Speaker.

And so the Bill passed.

The title was agreed to.

Council Bill No. 217, "An Act relating to Acknowledgments, Oaths and Depositions," was taken up.

Read a second and third time and

Passed.

The title was agreed to.

Council Bill No. 205, "An Act supplemental to an Act entitled "An Act to provide for the location of the County Seat of Allen county," was taken up.

Read a first and second time and

Referred to a Select Committee of three: Messrs. Scott, Morton and Jones.

Council Bill No. 190, "An Act to encourage the destruction of Wolves," was taken up.

Read a first and second time.

Mr. Pierce moved to indefinitely postpone the Bill.

Yeas and nays were ordered.

Yeas—21. Nays—11.

Yeas, Messrs. Brown, Bartlett, Canniff, Cornwell, Cave, Dutton, Jones, Knowles, Lindsay, Murphy, McMath, Parks, Pierce, Reynolds, Sheldon, Sopris, Vanderslice, Whitehead, Wagstaff, Wood and Mr. Speaker.

Nays, Messrs. Brooks, Chandler, Elliott, Heath, Lombard, Morton, Nelson, Robertson, Shively, Scott and Wright.

So the motion prevailed.

House Bill No. 99, "An Act to prevent the introduction of Diseased Cattle into the Territory of Kansas," was taken up.

The amendments of the Council were agreed to.

Council Bill No. 228, "An Act to charter a Ferry," was taken up.

Bill read a second time and

Referred to Committee on Corporations.

House Bill No. 269, "An Act for the relief of Insolvent Debtors," was taken up.

Mr. Bartlett moved that the House non-concur in the amendments of the Council.

Mr. Colton moved to amend by concurring in the amendments of the Council.

Yeas and nays were ordered.

Yeas—13. Nays—21.

Yeas, Messrs. Brown, Canniff, Elliott, Lombard, McMath, Morton, Nelson, Pierce, Shively, Scott, Sopris, Wood and Mr. Speaker.

Nays, Messrs. Bartlett, Brooks, Chandler, Cornwell, Cave, Fitzpatrick, Heath, Jones, Knowles, Lindsay, Noel, Parks, Robertson, Reynolds, Rankin, Steward, Sheldon, Vanderslice, Whitehead, Wright and Wagstaff.

So the motion was lost.

Mr. Bartlett moved to reconsider the vote.

Mr. Jones moved to indefinitely postpone the motion to reconsider.

Carried.

Mr. Scott, from a Special Committee, submitted the following report, which was adopted:

The Special Committee, to whom was referred Council Bill No. 205, "An Act supplemental and amendatory to an Act entitled 'An Act to provide for the location of the County Seat of Allen county,' approved Feb. 18, 1860," have had the same under consideration, recommend its passage with the following amendment:

In section 1, 9th line, strike out "thirty days" and insert "three months."

JOHN W. SCOTT,
P. G. D. MORTON.

The Bill was taken up, as amended, and

Passed.

The title was agreed to.

House Bill No. 421, "An Act supplemental to an Act entitled 'An Act to incorporate the Central Overland and Pike's Peak Express Compana,'" was taken up.

On motion of Mr. Parks, the Bill was indefinitely postponed.

Council Bill No. 175, "An Act relating to sales of Real Property," was taken up.

Bill read a third time and

Passed.

The title was agreed to.

House Bill No. 165, "An Act amendatory of an Act regulating the jurisdiction and procedure before Justices of the Peace," was taken up, and

On motion of Mr. McMath, was indefinitely postponed.

House Bill No. 435, "An Act to change the name of Atchison county."

Mr. Lynde moved that the Bill be taken from the table.

Yeas and nays ordered.

Yeas—10. Nays—12.

Yeas, Messrs. Bartlett, Chandler, Jones, Lynde, Morton, Nelson, Pierce, Shively, Sheldon and Wood.

Nays, Messrs. Brooks, Cornwell, Cave, Dutton, Elliott, Knowles, Lombard, Lindsay, McMath, Noel, Robertson, Parks, Reynolds, Rankin, Steward, Scott, Sopris, Vanderslice, Whitehead and Wagstaff.

So the motion was lost.

Council Bill No. 46, "An Act for the payment of costs in certain cases," was taken up.

Bill read a third time and

Passed.

Title was agreed to.

Council Bill No. 121, "An Act defining the mode of laying out and establishing Roads," was taken up.

Bill read a third time and

Passed.

The title was agreed to.

Mr. Knowles, from the Committee on Enrolled Bills, submitted the following report:

Mr. Speaker:—The Committee on Enrolled Bills, having examined House Bill No. 436, "An Act to legalize the official acts of Jason D. Passmore," find the same correctly enrolled.

HORATIO KNOWLES.

House Bill No. 404, "An Act to organize Greenwood county," was taken up.

Read a third time and

Passed.

Title was agreed to.

Council Bill No. 107, "An Act to charter a Ferry across the Kansas river, at Eudora," was taken up.

On motion of Mr. Wagstaff, it was indefinitely postponed.

House Bill No. 149, "An Act declaring the Pottawatamie road a Territorial road," was taken up.

Read a third time and

Passed.

The title was agreed to.

House Bill No. 279, "An Act locating a Territorial road from Atchison City to Louisville, in Pottawatamie county, *via* Holton, in Jackson county," was taken up.

Read a third time and

Passed.

The title was agreed to.

Mr. Morton, from the Committee on Accounts, submitted the following report:

MR. SPEAKER:—The Committee on Accounts, to whom was referred House Bill No. 220, "An Act regulating the fees of the Clerks of the several District Courts in this Territory and for other purposes," have had the same under consideration, and beg leave to report that they will recommend the passage of the same.

P. G. D. MORTON, Chairman.

House Bill No. 220, "An Act regulating the fees of the Clerks of the several District Courts in this Territory and for other purposes," was taken up.

Read a third time and

Passed.

The title was agreed to.

Mr. Bartlett, from Committee on Corporations, submitted the following report:

Mr. Speaker:—The Committee, to whom was referred Council Bill No. 109, "An Act to incorporate the Leavenworth and Denver City Telegraph Company," have had the same under consideration and report the same back, with amendments, and recommend its passage.

Amendments: Insert after the name "W. A. Rankin," in the third line of section 1, the names of "S. N. Wood, A. Bartlett and W. R. Wagstaff;" also, strike out the word "Leavenworth" wherever it occurs in the title of the Bill and insert in its place, the word "Atchison."

A. BARTLETT, Chairman.

Council Bill No. 109, "An Act to incorporate the Leavenworth and Denver City Telegraph Company," was taken up.

Read a third time and

Passed.

The title was agreed to.

Message from the Council:

Mr. Speaker:—The Council direct me to notify the House that they have passed House Bill No. 380, "An Act regulating Elections," with the following amendments:

Strike out in section 18, "Clerk of the Probate Court," "Clerk of the Board of Supervisors," and read "County Clerk."

Section 32, line 1 and 2, between "qualified" and "commissioners," inclusive, and read "the judges of election shall be the trustees and the justices of the peace of each township and the councilmen."

Section 30, strike out and read "shall be kept open until 12 o'clock M., and shall be again open at 1 o'clock and keep open until 6 o'clock in the evening of the same day."

Section 56, strike out "and elected" in brackets.

Section 70, line 5, for "justice" read "Trustee."

Section 87, strike out section 86, last section but one.

Your concurrence is desired.

JOHN J. INGALLS,
Secretary.

House Bill No. 380, "An Act regulating Elections," was taken up, and

On motion of Mr. Parks, the House concurred in the amendments of the Council.

House Bill No. 53, "An Act to incorporate the Kansas river Navigation Company," was taken up.

Mr. Bartlett moved to indefinitely postpone the Bill.

Yeas and nays ordered.

Yeas—24. Nays—10.

Yeas, Messrs. Bartlett, Canniff, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lombard, McMath, Noel, Nelson, Parks, Pierce, Robertson, Rankin, Shively, Sheldon, Scott, Wright and Wagstaff.

Nays, Messrs. Chandler, Lynde, Lindsay, Murphy, Reynolds, Steward, Sopris, Vanderslice, Whitehead and Wood.

So the motion prevailed.

Mr. Heath moved to reconsider the vote.

Mr. Scott, from a Special Committee, submitted the following report:

The Committee, to whom was referred House Bill No. 155, "An Act to incorporate the Missouri river Railroad Company," beg leave to report that they have examined the same and recommend its passage, with the following amendments:

Strike out all of section 19, after the sixteenth line. In section 22, fifth line, strike out "five" and insert "three."

Also, Council Bill No. 15, "An Act to charter the Olathe and Southern Kansas Railroad," and recommend its passage, with amendments, as follows:

Insert "Peoria, in Franklin county," after "of" in the 7th line, section 21.

In section 1, by striking out "Drury Fuller" and insert "Alfred Johnson."

Also, House Bill No. 355, "An Act to incorporate the Troy and Iowa Point Railroad," and recommend its passage, with the following amendments:

In section 4, tenth line, strike out "sufficient" and insert "such." Same line, after "manner," insert "as." In eleventh line, in same section, strike out "materially."

In section 7, second line, after "empowered" insert "by themselves."

Section 5, line eight, strike out the words "of said Company."

Add section 23, as follows:

This Act to take effect and be in force from and after its passage.

J. W. SCOTT.

House Bill No. 155, "An Act to incorporate the Missouri River Railroad Company," was taken up.

The amendments of the Committee were agreed to.

Bill read a third time and

Passed.

The title was agreed to.

Council Bill No. 15, "An Act to charter the Olathe and Southern Kansas Railroad," was taken up.

The amendments of the Committee were agreed to.

Bill read a third time and

Passed.

House Bill No. 355, "An Act to incorporate the Troy and Iowa Point Railroad," was taken up.

The amendments of the Committee were agreed to.

Bill read a third time, and

Passed.

The title was agreed to.

House Bill No. 70, "An Act to declare the Santa Fe road a Territorial Road," was taken up.

Bill read a third time and

Passed.

The title was agreed to.

House Bill No. 423, "An Act to incorporate the Brooklyn Town Company," was taken up.

Bill read a third time and

Passed.

The title was agreed to.

House Bill No. 346, "An Act to provide for the opening of a certain Territorial Road," was taken up.

Mr. Scott moved to indefinitely postpone the Bill.

Mr. Lombard moved to lay the motion upon the table.

Carried.

The question recurring upon the final passage of the Bill,

The yeas and nays were ordered.

Yeas—18. Nays—11.

Yeas, Messrs. Brown, Brooks, Chandler, Dutton, Elliott, Lombard, Lynde, Murphy, McMath, Parks, Pierce, Robertson, Steward, Sheldon, Sopris, Vanderslice, Whitehead and Wood.

Nays, Messrs. Bartlett, Cornwell, Cave, Heath, Knowles, Lindsay, Reynolds, Sims, Scott, Wright and Wagstaff.

So the Bill passed.

Title was agreed to.

On motion of Mr. Cornwell,

House adjourned.

GUSTAVUS A. COLTON,
Speaker of the House of Representatives.

M. W. Delahay,
Chief Clerk.

SATURDAY, February 25, 1860,
9 o'clock, A. M.

House called to order by the Speaker.

Roll called.

Absentees, Messrs. Fitzpatrick, Murphy, Nelson, Parks, Morton, Scott and Sheldon.

The Journal of yesterday read and approved.

Message from the Council:

MR. SPEAKER:—The Council direct me to notify the House that they have concurred in House amendments to Council Bill No. 109, "An Act incorporating the Leavenworth and Denver City Telegraph Company."

Also, that they have passed a substitute for House Bill No. 381, "An Act defining the Judicial Districts of the Territory."

House Bill No. 458, with the following amendments:

Section 1, third line, after "Shawnee," add: "And Franklin county."

Strike out, in section 6, "January" and insert "February."

Your concurrence is desired.

JOHN J. INGALLS,
Secretary.

Mr. Wood presented a petition of the Sergeant-at-Arms of the Wyandott Constitutional Convention, praying for relief.

Also, House Bill No. 472, "An Act for the relief of George F. Warren."

Bill read a first time.

Rules suspended.

Read a second time.

Mr. Wagstaff moved that the Bill be referred to Committee on Accounts.

Carried.

Mr. Fitzpatrick, from a Special Committee, submitted the following report:

The Special Committee, to whom was referred House Bill No. 442, beg leave to report the same back, and recommend its passage, with the following amendments:

Strike out "Atchison" in the title of the Bill.

In section 1, after "Lyman Allen," insert "G. A. Smith" and "G. D. Harney."

In section 1 of the Bill, strike out "Atchison."

In section 2, fifth line, strike out all after the word "from" to the word "Topeka," and insert after the word Topeka, "via."

W. H. FITZPATRICK, Chairman.

The report was agreed to.

House Bill No. 442, "An Act to incorporate the Topeka and Southern Kansas Railroad Company," was taken up.

Bill read a second time.

Mr. Wood moved that the Bill be indefinitely postponed.

Mr. Fitzpatrick moved to lay the motion upon the table.

Yeas and nays ordered.

Yeas—19. Nays—12.

Yeas, Messrs. Brown, Chandler, Canniff, Cornwell, Cave, Fitzpatrick, Jones, Knowles, Lombard, Morton, Nelson, Robertson, Steward, Sims, Shively, Sheldon, Vanderslice, Whitehead, Wright and Mr. Speaker.

Nays, Messrs. Bartlett, Brooks, Dutton, Lynde, Lindsay, McMath, Morton, Parks, Reynolds, Rankin, Scott and Wood.

So the motion to lay upon the table prevailed.

Mr. Rankin moved that the Bill be recommitted to the Committee on Corporations.

Mr. Fitzpatrick moved to lay the motion upon the table.

Yeas and nays ordered.

Yeas—17. Nays—15.

Yeas, Messrs. Bartlett, Chandler, Canniff, Cornwell, Cave, Fitzpatrick, Jones, Lombard, Lynde, Noel, Pierce, Steward, Sims, Sheldon, Vanderslice, Wright and Mr. Speaker.

Nays, Messrs. Brown, Brooks, Dutton, Elliott, Knowles, Lindsay, McMath, Morton, Parks, Reynolds, Rankin, Scott, Whitehead, Wagstaff and Wood.

So the motion prevailed.

Mr. Wood moved that the Bill be postponed until Monday next.

Mr. Fitzpatrick moved to lay the motion upon the table.

Yeas and nays ordered.

Yeas—19. Nays—15.

Yeas, Messrs. Chandler, Canniff, Cornwell, Cave, Fitzpatrick, Jones, Lombard, Nelson, Pierce, Robertson, Sims, Sheldon, Vanderslice, Wright and Mr. Speaker.

Nays, Messrs. Brown, Brooks, Dutton, Elliott, Lynde, Lindsay, McMath, Morton, Noel, Parks, Reynolds, Rankin, Scott, Whitehead and Wood.

So the motion prevailed.

Bill was read a third time, and,

Being upon its final passage,

The yeas and nays were ordered.

Yeas—18. Nays—16.

Yeas, Messrs. Chandler, Canniff, Cornwell, Cave, Fitzpatrick, Jones, Lombard, Morton, Noel, Nelson, Pierce, Robertson, Reynolds, Steward, Sims, Sheldon, Vanderslice and Mr. Speaker.

Nays, Messrs. Brown, Brooks, Dutton, Elliott, Knowles, Lynde, Lindsay, McMath, Parks, Rankin, Shively, Scott, Whitehead, Wright, Wagstaff and Wood.

So the Bill passed.

The title was agreed to.

Mr. Colton offered the following resolution, which was adopted:

Resolved, That H. H. Williams, Esq., be invited to a seat within the bar of this House, and the Sergeant-at-Arms be instructed to furnish him a seat.

Mr. Knowles, from the Committee on Enrolled Bills, submitted the following report:

Mr. Speaker:—The Committee on Enrolled Bills, having examined House Bills No. 264, "An Act providing for a Justice of the Peace, in and for the city of Ogden."

No. 216, "An Act to incorporate the Kansas Scientific and Literary Institute."

No. 449, "An Act changing the eastern line of Morris county."

No. 457, "An Act to protect the citizens of Linn county from depredations of Stock."

No. 324, "An Act to prevent and punish Armed Invasions from or into this Territory."

No. 157, "An Act to incorporate the village of Oskaloosa."

No. 444, "An Act authorizing a Ferry across the Great Nemaha River."

No. 218, "An Act to incorporate the Iowa Point and Denver City Railroad Company."

No. 393, "An Act amendatory to an Act entitled 'An Act extending the time of collection of Taxes in Doniphan county.' "

No. 37, "An Act to incorporate the Denver, Auraria and Colorado Wagon Road Company."

No. 231, "An Act concerning Divorce and Alimony."

No. 183, "An Act divorcing William V. Barr from his wife Louisa Barr."

No. 278, "An Act to incorporate the Jefferson Quartz Mining Company."

No. 139, "An Act to incorporate the Arrapahoe County Gas Light Company."

No. 34, "An Act to incorporate the Colona Mining Company."

No. 39, "An Act to incorporate the Mammoth Quartz Lead Mining Company."

No. 125, "An Act to incorporate the Denver City and Beaver Creek Wagon Road and Bridge Company."

No. 212, "An Act to establish a Ferry across the Kansas River at Wabaunsee, in Kansas Territory."

No. 329, "An Act to amend an Act entitled 'An Act exempting certain Property from Sale upon Execution or other process," ' approved February 11, A. D. 1859.

No. 68, "An Act extending the time for completing a Bridge across the Wakarusa," find the same correctly enrolled.

HORATIO KNOWLES,
Member of Committee on Enrolled Bills.

Message from the Governor:

EXECUTIVE OFFICE, K. T.,
February 24, 1860.

To the Speaker of the House of Representatives:

I have this day approved House Bills, "An Act to divorce Delos F. Parker and Eliza C. Parker."

"An Act establishing the boundaries of Davis county."

"An Act to vacate a certain part of the town site of Pottawatamie."

"An Act to authorize the city of Leavenworth to issue Bonds for Railroad purposes."

"An Act to vacate certain Streets and Alleys in the town of Lexington, Johnson county, Kansas Territory."

"An Act to authorize the city of Wyandott to sell and convey certain Real Estate."

"An Act divorcing Clara L. Crane from the Bonds of Matrimony with Orlando M. Crane."

"An Act relating to the commitment of Prisoners."

"An Act supplemental to an Act entitled 'An Act incorporating the Topeka Cemetery Association,' approved February 2, 1859."

"An Act incorporating the Douglas County Agricultural and Mechanical Society."

"An Act to incorporate the Pike's Peak Gold Mining Company."

"An Act to incorporate the Gaston Quartz Mining Company."

"An Act to authorize the tribunal transacting county business for the county of Johnson, to issue Bonds."

"An Act extending the time for the collection of Taxes in Leavenworth county."

"An Act establishing Highways in the county of Brown."

"An Act to incorporate the Wabaunsee county Agricultural Society."

"An Act to incorporate the Big Stranger River Bridge Company."

"An Act to facilitate the settlement of the estates of Deceased Partners."

"An Act to charter a Ferry across the Missouri River, at the town of Kickapoo."

"An Act legalizing Wire Fence," and

An Act entitled "An Act to repeal an Act entitled 'An Act to incorporate the St. Charles Town Company.'"

Respectfully,
S. MEDARY.

Mr. Brooks, from the Committee on Corporations, submitted the following report:

The Committee on Corporations, having had under consideration House Bill No. 470, entitled "An Act to incorporate the Kansas Express Company," report the same and recommend its passage without amendment.

P. R. BROOKS, Chairman.

Mr. Scott, from the Special Committee, submitted the following report:

The Committee to whom was referred Council Bill No. 129, have had the same under consideration, and beg leave to report it back to the House and recommend its passage with the following amendments:

In section 2, after "Dr. Ashmore" insert "Thos. Lindsay, W. M. L. Webster, R. Johnson and P. G. D. Morton."

The Committee have also had under consideration House Bill No. 321, and recommend its passage, without recommendation.

JOHN W. SCOTT, Chairman.

Council Bill No. 129, "An Act to incorporate the State Line Osawatomie and Fort Union Railroad," was taken up.

Read a second time and

Laid over.

Mr. Bartlett introduced House Bill No. —, "An Act to charter a Bridge across the Pawnee Fork of the Arkansas river."

Bill read a first time.

Rules suspended.

Read a second and third time and

Passed.

The title was agreed to.

Mr. Jones, from the Special Committee, submitted the following report:

Mr. Speaker:—The Committee on Apportionment, having had under consideration House Bill No. 462, report the accompanying substitute, and recommend its passage.

JAMES H. JONES, Chairman.

The report was agreed to and the substitute adopted.

Rules suspended.

Bill read a third time and

Passed,

Title was agreed to.

On motion of Mr. Brown, House Bill No. 423, "An Act entitled an Act to incorporate the Kansas Express Company," was taken up.

Read a third time and

Passed.

The title was agreed to.

Mr. Whitehead offered the following resolution, which was adopted:

Resolved, That the Hon. John Petit and Hon. Rush Elmore be invited to a seat within the bar of this House.

Mr. Lynde offered the following preamble and resolution:

WHEREAS, The interests of the people of Kansas and especially that portion of them residing in the Kansas river valley, imperatively demand that the Kansas river should be rendered navigable for steamboats and other water craft; and

WHEREAS, The navigation of said river is at all times doubtful uncertain and hazardous; and

WHEREAS, These disadvantages may be removed by the adoption and prosecution of some practicable scheme of improvement; therefore,

Resolved, That a Committee of five of this House be specially appointed to prepare and introduce a Bill, providing for the permanent improvement of said river, so as to render the same practicable, and that said Committee be required to report by 2 o'clock to-day, Feb. 25, 1860.

The yeas and nays being demanded upon the adoption of the preamble and resolution, the result was as follows:

Yeas—10. Nays—13.

Yeas, Messrs. Bartlett, Chandler, Dutton, Lynde, Parks, Pierce, Steward, Whitehead, Wood and Mr. Speaker.

Nays, Messrs. Cornwell, Cave, Elliott, Fitzpatrick, Knowles, Lindsay, McMath, Morton, Nelson, Robertson, Shively, Sheldon, Wright and Wagstaff.

So the resolution was lost.

House Bill No. 321, "An Act to incorporate the Marysville and Denver City Railroad Company," was taken up.

Read a third time and

Passed.

The title was agreed to.

Mr. Wood, from the Judiciary Committee, submitted the following report:

MR. SPEAKER:—The Judiciary Committee, a majority of whom have examined House Bill No. 214, "An Act to amend an Act providing for the appointment of Territorial Auditor and prescribing the duties of his office," recommend its passage.

W. R. WAGSTAFF,
S. N. WOOD,
E. LYNDE.

Council Bill No. 214, "An Act entitled an Act providing for the appointment of Territorial Auditor," was taken up.

Bill read a third time and

Passed.

Title was agreed to.

Mr. Wood, from the Judiciary Committee, submitted the following report:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Council Bill No. 189, entitled "An Act to establish a Code of Civil Procedure, approved Feb. 11, 1860."

Also, Council Bill No. 110, entitled "An Act relating to Land Titles in the City of Lawrence, Douglas county," have had the same under consideration, and instruct me to report the same back and recommend their passage.

S. N. WOOD, Chairman.

Council Bill No. 189 was taken up, "An Act to establish a Code of Civil Procedure."

On motion of Mr. Brown, the Bill was indefinitely postponed.

Council Bill No. 110, "An Act relating to Land Titles in the City of Lawrence," was taken up.

Bill read a third time and

Passed.

The title was agreed to.

Council Bill No. 222, "An Act relating to certain Bonds by the county of Leavenworth," was taken up.

Read a third time and

Passed.

Title agreed to.

Mr. Nelson offered the following resolution, which was adopted:

Resolved, That five more members be added to the Committee on Enrolled Bills.

The Speaker appointed as said Committee Messrs. Scott, Nelson, Parks, Pierce and Lindsay.

Mr. Lynde, from the Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER:—On yesterday afternoon, I presented to the Governor, for his approval, House Bill No. 259, "An Act relating to Counties and County Officers."

Also, House Bill No. 299, "An Act divorcing Henry Hart and Henrietta Hart."

I also, presented to the Governor, this morning, for his approval the following Bills:

House Bill No. 266, "An Act divorcing Sarah Wood and Charles F. Wood."

House Bill No. 364, "An Act to divorce Gertrude Sevier and William Sevier."

House Bill No. 17, "An Act to incorporate the Wyandott City Insurance Company."

House Bill No, 159, "An Act to incorporate the Palmetto Bridge Company."

House Bill No. 162, "An Act divorcing Elizabeth from James Jones."

"An Act to incorporate the Fort Scott Bridge and Ferry Company."

House Bill No. 285, "An Act divorcing Camillia Woodhull and Stephen Y. Woodhull."

House Bill No. 126, "An Act providing for the permanent location of the County Seat of Douglas county."

House Bill No. 107, "An Act to amend an Act entitled 'An Act to establish a Code of Civil Procedure."

House Bill No. 350, "An Act to charter a Ferry across the Smoky Hill river."

House Bill No. 278, "An Act for the relief of J. Newell."

House Bill No. 228, "An Act to regulate voluntary Assignments, with a view to Insolvency."

House Bill No. 148, "An Act to authorize the collection of Toll on the bridge crossing the Wakarusa, on the Territorial road from Lawrence to Emporia."

E. LYNDE,
Member of Committee.

Mr. Speaker:—To-day I presented to the Governor, House Bill No. 128, "An Act to amend an Act entitled 'An Act to incorporate the Wyandott and Osawatomie Railroad Company.'"

E. LYNDE,
Member of Committee.

Mr. Parks introduced House Bill No. 478, "An Act to amend an Act entitled 'An Act to incorporate the Leavenworth City Water Works Company."

Read a first time.

Rules suspended.

Read a second time and

Referred to a Special Committee of three: Messrs. Brown, Sheldon and Brooks.

Mr. Bartlett introduced House Bill No. 474, "An Act to incorporate the Riley Real Estate Company."

Read a first time.

Rules suspended.

Read a second time and

Referred to a Special Committee of two: Messrs. Bartlett and Wagstaff.

Also, House Bill No. 475, "An Act divorcing John Broderick and Catherine Broderick."

Read a first time.

Rules suspended.

Read a second time and

Referred to a Special Committee of two: Messrs. Bartlett and Wagstaff.

Mr. —— introduced House Bill No. 479, "An Act to amend an Act entitled 'An Act authorizing E. L. Gregory and others to build a Bridge.'"

Read a first time.

Rules suspended.

Read a second time and

Referred to Committee on Corporations.

Mr. —— introduced House Bill No. 480, "An Act to incorporate the Missouri river and Southern Railroad Company."

Mr. Parks introduced House Bill No. 476, "An Act supplemental to 'An Act to establish and define the jurisdiction of Probate Courts in Leavenworth and other counties."

Bill read a first time.

Rules suspended.

Read a second and third time and

Passed.

The title was agreed to.

Mr. Bartlett introduced House Bill No. 477, "An Act for the relief of Samuel Walker and L. McArthur."

Mr. Bartlett moved that the Bill be indefinitely postponed.

Carried.

On motion of Mr. Brooks,

House adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

Mr. McMath presented a petition of N. N. Holmes and 107 others, of Johnson county, praying for a change of the boundary lines of said county.

Also, a petition of A. D. Johnson and 12 others, of Johnson county, praying for a change in the northern boundary of said county.

Both of which were referred to Committee on County Lines.

House Bill No. 456, "An Act providing revenue for the year 1859," was taken up.

On motion of Mr. Bartlett, the House disagreed to the amendments of the Council.

House Bill No. 30, "An Act to incorporate the Elwood Building Association," was taken up, and

On motion of Mr. Robertson, the House concurred in amendments of the Council.

Council Bill No. 129, "An Act to incorporate the State Line, Osawatomie and Fort Union Railroad," was taken up.

Bill read a third time and

Passed.

Title was agreed to.

Council Bill No. 52, "An Act to establish a Territorial road from the frontier settlements of Western Kansas to the gold regions," was taken up.

Mr. Elliott moved the indefinite postponement of the Bill.

Yeas and nays were ordered.

Yeas—13. Nays—18.

Yeas, Messrs. Canniff, Cornwell, Cave, Dutton, Elliott, Jones, Knowles, Nelson, Sims, Vanderslice, Wright, Wagstaff and Mr. Speaker.

Nays, Messrs. Brown, Bartlett, Fitzpatrick, Chandler, Heath, Lindsay, Morton, Noel, Parks, Pierce, Robertson, Reynolds, Rankin, Steward, Sheldon, Sopris, Whitehead and Wood.

So the motion to indefinitely postpone the Bill was lost.

Mr. Nelson moved a call of the House, which was ordered, and the Sergeant-at-Arms directed to bring in absentees.

Absent members, Messrs. Brooks, Lombard, Lynde, Murphy and McMath.

On motion of Mr. Sheldon, further proceedings under the call were dispensed with.

Mr. Wood in the chair.

Mr. Sims offered the following as an amendment to the Bill:

Amend by striking out Section 7, and inserting as follows: "Sec. 7. All expenses arising from this Act, shall be paid by the counties through which said road may run or by those who may voluntarily choose to contribute such payment."

Mr. Parks moved to lay the amendment upon the table.

Yeas and nays ordered.

Yeas—14. Nays—20.

Yeas, Messrs. Bartlett, Chandler, Fitzpatrick, Lynde, Lindsay, Morton, Parks, Pierce, Reynolds, Rankin, Steward, Scott, Sopris and Wood.

Nays, Messrs. Brown, Canniff, Cornwell, Cave, Dutton, Elliott, Heath, Jones, Knowles, Noel, Nelson, Robertson, Sims, Shively, Sheldon, Vanderslice, Whitehead, Wright, Wagstaff and Mr. Speaker.

So the motion to lay the amendment on the table was lost.

The question recurring upon the adoption of the amendment,

Mr. Morton asked leave to amend the amendment.

Mr. Nelson demanded the previous question, which was sustained.

Mr. Morton not being in his seat, the Chair decided his request to be out of order.

Mr. Morton appealed from the decision of the Chair.

The vote being taken, the Chair was sustained.

The question being upon the adoption of the amendment,

Yeas and nays ordered.

Yeas—19. Nays—14.

Yeas, Messrs. Canniff, Cornwell, Cave, Dutton, Elliott, Heath, Jones, Knowles, Lynde, Lindsay, Noel, Nelson, Robertson, Sims, Vanderslice, Whitehead, Wright, Wagstaff and Mr. Speaker.

Nays, Messrs. Bartlett, Chandler, Fitzpatrick, Morton, Parks, Pierce, Reynolds, Rankin, Steward, Shively, Sheldon, Scott, Sopris and Wood.

So the amendment was adopted.

Bill having been a read a third time, and, being upon its final passage,

The yeas and nays were ordered.

Yeas—6. Nays—24.

Yeas, Messrs. Lynde, Lindsay, Robertson, Scott, Sopris and Wagstaff.

Nays, Messrs. Bartlett, Chandler, Canniff, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Morton, Noel, Nelson, Parks, Pierce, Reynolds, Steward, Sims, Vanderslice, Wright, Wood and Mr. Speaker.

So the Bill was lost.

Mr. Parks introduced House Bill No. — "An Act to repeal an Act to charter a Ferry across the Missouri river at the City of Leavenworth."

Read a first time.

Rules suspended.

Read a second and third time and

Passed.

The title was agreed to.

Message from the Council:

Mr. Speaker:—The Council direct me to notify the House that they have receded from their amendments to House Bill No. 456, "An Act to provide a revenue for the years 1859 and 1860."

JOHN J. INGALLS,
Secretary.

Council Bill No. 227, "An Act to change the boundaries of Riley county," was taken up.

Mr. Reynolds moved that the Bill be rejected.

Carried.

Mr. Knowles, from the Committee on Enrolled Bills, submitted the following report:

Mr. Speaker:—The Committee on Enrolled Bills. having examined House Bills No. 305, "An Act to incorporate the Fort Scott Town Company."

No. 298, "An Act divorcing William Perry and Lucy A. Perry."

No. 426, "An Act divorcing Lydia W. Peck and Horatio N. Peck, alias James Dramond."

No. 433, "An Act divorcing George J. Martin and Sophronia H. Martin."

House Bill No. 433, "An Act to authorize the county of Leavenworth to issue certain bonds."

House Bills No. 282, "An Act divorcing Henry Crawford and Melinda Elizabeth Crawford."

House Bill No. 153, "An Act to divorce Sarah Ann Johnson and D. B. Johnson."

House Bill No. 182, "An Act to authorize Somon Ritter to erect a Toll Bridge over the South Platte river, at a point herein named, in Kansas Territory."

House Bill No. 441, "An Act to provide for the permanent location of the County Seat of Breckenridge county."

House Bill 289, "An Act to charter a Ferry across the Neosho river, near Ottumwa, K. T."

House Bill 337, "An Act to incorporate the town of Hiawatha."

House Bill 138, "An Act to incorporate the South Platte River Improvement and Lumbering Company," find the same correctly enrolled.

HORATIO KNOWLES,
Member of Enrolling Committee.

Council Bill No. 44, "An Act defining and establishing certain boundary lines of the counties of Wyandott, Johnson and Lykins counties," was taken up, and

Read a first time.

Mr. McMath moved that the rules be suspended, and that the Bill be read a second time.

Yeas and nays ordered.

Yeas—12. Nays—22.

Yeas, Messrs. Bartlett, Canniff, Heath, Lynde, McMath, Morton, Nelson, Pierce, Shively, Sheldon, Sopris, and Wood.

Nays, Messrs. Brown, Chandler, Cornwell, Cave, Dutton, Elliott, Fitzpatrick, Jones, Knowles, Lindsay, Noel, Parks, Robertson, Reynolds, Steward, Sims, Scott, Vanderslice, Whitehead, Wright, Wagstaff and Mr. Speaker.

So the motion was lost.

Mr. Cornwell moved that the Bill be rejected.

Yeas and nays ordered.

Yeas—24. Nays—8.

Yeas, Messrs. Brown, Chandler, Cornwell, Cave, Dutton, Elliott, Heath, Jones, Knowles, Lindsay, Noel, Parks, Robertson, Reynolds, Steward, Sims, Shively, Scott, Sopris, Vanderslice, Whitehead, Wright, Wagstaff and Mr. Speaker.

Nays, Messrs. Bartlett, Canniff, Fitzpatrick, Lynde, McMath, Nelson, Sheldon and Wood.

So the Bill was rejected.

Mr. Cornwell moved a reconsideration of the vote.

Mr. Sims moved to indefinitely postpone the motion to reconsider.

Carried.

Message from the Council:

MR. SPEAKER:—The Council direct me to notify the House that they have passed House Bill No. 460, "An Act making appropriations for 1860," with the following amendments, in which your concurrence is desired:

Strike out 14th, 15th and 16th lines in section 1.

Tenth line, 1st section, strike out "$6,000" and insert "$3,000."

Thirteenth line, strike out "$7,000" and insert "$6,000."

Add to section 1: "For expenses incurred under provisions of law not otherwise herein mentioned, $3,000. And to George Ford, for room rent and goods furnished, $500."

Strike out, in section 2, sixth line, "except expenses of the election notices." And in ninth, tenth and eleventh lines, "With a copy of resolutions of convention authorizing and allowing said amounts by convention."

JOHN J. INGALLS,
Secretary.

House Bill No. 460, "An Act making appropriations for 1860," was taken up.

Mr. McMath moved that the House concur in the amendments of the Council.

Mr. Colton offered the following as an amendment to the Bill:

Provided, That no part of this appropriation shall be used to pay any expenses incurred prior to December, 1857.

Mr. McMath moved to lay the amendment upon the table.

Yeas and nays ordered.

Yeas—14. Nays—20.

Yeas, Messrs. Brown, Cornwell, McMath, Noel, Nelson, Parks, Reynolds, Steward, Sims, Sopris, Vanderslice, Whitehead, Wright and Wagstaff.

Nays, Messrs. Bartlett, Chandler, Canniff, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lynde, Lindsay, Morton, Pierce, Robertson, Shively, Sheldon, Scott, Wood and Mr. Speaker.

So the motion was lost.

The question recurring upon the adoption of the amendment,

Mr. Bartlett demanded the previous question, which was sustained.

Yeas and nays ordered.

Yeas—21. Nays—10.

Yeas, Messrs. Bartlett, Chandler, Canniff, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lynde, Lindsay, Morton, Pierce, Robertson, Steward, Shively, Sheldon, Scott, Wood and Mr. Speaker.

Nays, Messrs. Brown, Cornwell, McMath, Reynolds, Sopris, Vanderslice, Whitehead, Wright and Wagstaff.

So the amendment was adopted.

The question being upon the motion to agree to the amendments of the Council.

Yeas and nays were ordered.

Yeas—19. Nays—13.

Yeas, Messrs. Bartlett, Chandler, Canniff, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lynde, Lindsay, Morton, Robertson, Steward, Sheldon, Scott, Wood and Mr. Speaker.

Nays, Messrs. Brown, Cornwell, McMath, Pierce, Nelson, Reynolds, Sims, Shively, Sopris, Vanderslice, Whitehead, Wright and Wagstaff.

So the motion prevailed.

Message from the Council:

MR. SPEAKER:—The Council wishes me to notify the House that the Council have non-concurred in House amendments to Council Bill No. 41, "An Act to create a lean in favor of Mechanics or others."

J. W. JENKINS,
Assistant Clerk.

Council Bill No. 41, An Act to create a lean in favor of Mechanics and others," was taken up, and

On motion of Mr. Nelson, the House receded from its amendments to the Bill.

Council Bill No. 236, "An Act to amend the 449th section of the code of Civil Procedure," was taken up, and

On motion of Mr. Lynde, the Bill was rejected.

Mr. Knowles, from a Special Committee, submitted the following report:

Mr. Speaker:—The Special Committee, to whom was referred House Bill No. 482, "An Act to incorporate the Raysville Town Company," having had the same under consideration, beg leave to report the same back and recommend its passage.

H. KNOWLES, Chairman.

The report was agreed to.

House Bill No. 482, "An Act to incorporate the Raysville Town Company," was taken up.

Bill read a third time and

Passed.

The title was agreed to.

Mr. Wagstaff, from a Special Committee, submitted the following report:

The Special Committee to whom was referred House Bill No. 483, "An Act to incorporate the Lykins and Linn county Bridge Company," have had the same under consideration and recommend its passage without amendment.

W. R. WAGSTAFF,
JOHN W. SCOTT,
J. H. JONES.

The report was agreed to.

House Bill No. 483, "An Act to incorporate the Lykins and Linn County Bridge Company," was taken up.

Read a third time and

Passed.

The title was agreed to.

Mr. Bartlett, from a Special Committee, submitted the following report:

Mr. Speaker:—The Special Committee, to whom was referred House Bill No. 475, "An Act divorcing John Broderick and Catharine Broderick," have considered the same with the testimony relating thereto, and recommend its passage.

A. BARTLETT,
L. S. CORNWELL.

House Bill No. 475, "An Act divorcing John Broderick and Catharine Broderick," was taken up.

Bill read a third time and

Being upon its final passage,

The yeas and nays were ordered.

Yeas—16. Nays—12.

Yeas, Messrs. Brown, Bartlett, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lombard, Lynde, Nelson, Robertson, Sopris, Whitehead, Wood and Mr. Speaker.

Nays, Messrs. Chandler, Cave, McMath, Pierce, Morton, Reynolds, Steward, Shively, Sheldon, Scott, Wright and Wagstaff.

So the Bill passed.

The Title was agreed to.

Mr. Bartlett, from a Special Committee, submitted the following report:

Mr. Speaker:—The Special Committee, to whom was referred House Bill No. 247, "An Act to incorporate the Kansas Telegraph Company," have had the same under consideration, and recommend its passage with amendments:

Insert after the word "A. J. Chipman," in 2d line of section 1, the names "P. R. Brooks and A. Bartlett."

House Bill No. 247, "An Act to incorporate the Kansas Telegraph Company," was taken up.

Bill read a third time and

Passed.

The title was agreed to.

Mr. Bartlett, from the Special Committee, submitted the following report:

The Special Committee, to whom was referred House Bill No. 384, "An Act for the relief of the Commissioners authorized to locate and survey a Territorial road from Leavenworth to Burlington," would report that they have had the same under consideration and report the same back with amendments and recommend its passage.

In section 1, line 5th, 6th and 7th, strike out "fourteen hundred and thirty-six dollars and thirty-seven cents," and insert "five hundred and ninety-one dollars and thirty-two cents."

A. BARTLETT,
GEO. G. PIERCE,
H. R. DUTTON.

House Bill No. 384, "An Act for the relief of the Commissioners, authorized to locate and survey a Territorial Road from Leavenworth to Burlington," was taken up.

Mr. Wood moved to indefinitely postpone the whole subject.

Carried.

Message from the Council:

Mr. Speaker:—I am direct to inform the House, that the Council have concurred in amendments of House to Council amendments to House Bill No. 460, "An Act making appropriation for 1860."

JOHN J. INGALLS,
Secretary.

House Bill No. 108, "An Act to amend an Act entitled 'An Act regulating the jurisdiction and procedure before Justices of the Peace, and the duties of Constables in civil cases,'" was taken up.

On motion of Mr. Cave, the amendments of the Council were concurred in.

Message from the Council:

Mr. Speaker:—I am directed by the Council to inform the House, that the Council have passed House Concurrent Resolution No. 17, asking Congress to make certain appropriations.

Also, House Resolution No. 16, a Memorial to Congress, praying for an appropriation to pay certain volunteers, called out by Governor Denver in the year 1859."

J. W. JENKINS,
Assistant Secretary.

Council Bill No. 97, "An Act entitled an Act to provide for the assessment and collection of Taxes," was taken up, and was

Indefinitely postponed.

House Bill No. 110, "An Act to incorporate a Ferry at Manhattan," was taken up, and

On motion of Mr. Chandler, the House concurred in the amendments of the Council.

Council Bill No. 235 was taken up.

Read a first time.

Rules suspended.

Read second and third time and

Passed.

The title was agreed to.

Message from the Council:

Mr. Speaker:—The Council direct me to notify the House that they have passed House Bill 333, "An Act to incorporate the Jefferson Town Company."

House Bill No. 369, "An Act to incorporate the Alma Town Company and Town of Alma."

House Bill No. 334, "An Act to incorporate the Leavenworth Lodge No. 1 of the Independent Order of the Sons of Malta."

House Bill No. 342, "To incorporate the Osage Falls Bridge and Ferry Company," without amendment.

House Bill No. 389, "An Act to incorporate the Buckeye Mining Compuny."

Also, that the Council have concurred in House amendments to Council Bills Nos. 15, 90 and 156.

JOHN J. INGALLS,
Secretary.

Mr. Speaker:—The Council direct me to notify the House that they have passed House Bill 481, "An Act to repeal an Act to establish a Ferry across the Missouri river, at Leavenworth city, Territory of Kansas, and for other purpose."

House Bill 468, "An Act to divorce Harry C. Turner and Ursula Turner."

House Bill No. 473, "An Act to charter a Toll Bridge across Pawnee Fork."

House Bill 376, "to incorporate the Leon Town Company."

House Bill 368, "To incorporate the Missouri River, Pike's Peak and California Express Company."

House Bill 438, "An Act to amend an Act to incorporate the town of Fort Scott."

House Bill No. 322, "An Act to incorporate a University at Mt. Pleasant, Atchison county."

House Bill 412, "To incorporate the Mt. Vernon Town Company."

House Bill 356, "To incorporate the Wardens and Vestry of Trinity church of Atchison."

House Bill No. 459, "For the relief of the Hampden Town Association."

House Bill No. 227, "To incorporate the Blue River Bridge Company," without amendment.

JOHN J. INGALLS,
Per A. CUTLER.

Council Bill No. 234, "An Act to incorporate the Missouri, Southern Kansas, Fort Union and Pacific Telegraph Company," was taken up.

Read a first time.

Rules suspended.

Read a second and third time and

Passed.

The title was agreed to.

Council Bill No. 233, "A Bill declaring a certain Section line a Territorial road," was taken up.

Read a first time.

Rules suspended.

Read a second and third time and

Passed.

The title was agreed to.

Council Bill No. 149, "An Act to incorporate the Cherokee Coal and Mining Company," was taken up.

Read a first time.

Rules suspended.

Read a second and third time and

Passed.

The title was agreed to.

Mr. Knowles, from the Committee on Enrolled Bills, made the following report:

Mr. Speaker:—The Committee on Enrolled Bills, having examined House Bill No. 439, "An Act to perfect the organization of Osage county," find the same correctly enrolled.

HORATIO KNOWLES,
Member of Committee.

Council Bill No. 218, "An Act to charter a Ferry across the Kansas river, at a point two miles above Tecumseh,"

Read a first time.

Rules suspended.

Read a second and third times and

Passed.

Title was agreed to.

Council Bill No. 223, "An Act legalizing the Assessments for the year 1858, for Franklin county, and for other purposes,"

Read a first time.

Rules suspended.

Read a second and third time and

Passed.

Title was agreed to.

Council Bill No. 206, "An Act to incorporate the Rochester Town Company,"

Read a first time.

Rules suspended.

Read a second and third time and

Passed.

Title was agreed to.

Council Bill No. 155, "An Act to incorporate the Smoky Hill Company,"

Read a first time.

Rules suspended.

Read a second and third time and

Passed.

Title was agreed to.

Council Bill 219, "An Act to incorporate the town of Osawatomie,"

Read a first time.

Rules suspended.

Read a second and third time and

Passed.

Title was agreed to.

Council Bill No. 206, "An Act to authorize the city of Lawrence to issue Bonds,"

Read a first time.

Rules suspended.

Read a second and third time and

Passed.

The title was agreed to.

Council Bill No. 222, "An Act relating to certain Bonds by the county of Leavenworth,"

Read a first time.

Rules suspended.

Read a second and third time and

Passed.

Title was agreed to.

Council Bill No. 208, "An Act to incorporate the Atchison Fire Marine and Life Insurance Company," was taken up.

Read a first time.

Rules suspended.

Read a second and third time and

Passed.

Title was agreed to.

Council Bill No. 181, "An Act to charter a Ferry across the Kansas river," was taken up.

Read a first time.

Rules suspended.

Read a second and third time and

Passed.

Council Bill No. 215, "An Act to incorporate the Lincoln Town Company," was taken up.

Read a first time.

Rules suspended.

Read a second and third time and

Passed.

Title was agreed to.

Council Bill No. 188, "An Act to incorporate the Osage Town Company," was taken up.

Read a first time.

Rules suspended.

Read a second and third time and

Passed.

Title was agreed to.

Council Bill No. 194, "An Act defining the boundary line between the counties of Wyandott and Johnson," was taken up.

Read a first time.

Rules suspended.

Read a second and third time and

Passed.

The title was agreed to.

Council Joint Resolution No. 3, a Joint Resolution in relation to Claims awarded by Claim Commissioners appointed under an Act of the Territorial Legislature, passed Feb. 7, 1859, was taken up, and

On motion of Mr. Wood, it was laid on the table.

House Bill 337, "An Act to repeal an Act entitled 'An Act legalizing the Acts of certain officers therein named,'" was taken up.

Read a third time and

Passed.

The title was agreed to.

House Bill No. 387, "An Act for the relief of Jefferson county," was taken up.

Read a third time and

Passed.

Title was agreed to.

Council Bill 103, "An Act to incorporate the Southern Kansas Agricultural and Mechanical College," was taken up.

Read a third time and

Passed.

The title was agreed to.

Council Bill No. 160, "An Act to authorize the county of Douglas to issue Bonds," was taken up.

Read a third time and

Passed.

The title was agreed to.

House Bill No. 370, "An Act for the protection of Property in Horses and other animals," was taken up.

Read a third time and

Passed.

Title was agreed to.

House Bill No. 400, "An Act incorporating the Doniphan County Agricultural Society," was taken up.

Read a third time and

Passed.

Title was agreed to.

House Bill No. 137, "An Act to divorce Jane G. Burditt," was taken up.

Read a third time, and,

Being upon its final passage,

The yeas and nays were ordered.

Yeas—18. Nays—13.

Yeas, Messrs. Canniff, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lombard, Nelson, Robertson, Sopris, Vanderslice, Whitehead, Wagstaff, Wood and Mr. Speaker.

Nays, Messrs. Bartlett, Chandler, Cave, Lynde, McMath, Morton, Pierce, Reynolds, Rankin, Shively, Sheldon, Scott and Wright.

So the Bill passed.

The title was agreed to.

House Bill No. 417, "An Act divorcing Jane Pine and William Pine," was taken up.

Read a third time, and,

Being upon its final passage,

The yeas and nays were ordered.

Yeas—16. Nays—14.

Yeas, Messrs. Canniff, Dutton, Elliott, Heath, Jones, Lombard, Lynde, Lindsay, Nelson, Robertson, Sopris, Vanderslice, Whitehead, Wood and Mr. Speaker.

Nays, Messrs. Bartlett, Chandler, Cave, Fitzpatrick, McMath, Morton, Pierce, Reynolds, Rankin, Steward, Shively, Scott, Wright and Wagstaff.

So the Bill passed.

The title was agreed to.

Mr. Lynde, from the Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER:—At 5 o'clock, this day, I presented to Hugh S. Walsh, Secretary of the Territory, House Bill No. 6, "An Act to Prohibit Slavery in Kansas," properly authenticated, as having passed both Houses with the constitutional majority, over the veto of the Governor.

E. LYNDE,
Member of Committee.

Mr. Sopris gave notice that on Monday the 27th, at 2 o'clock, he would introduce a resolution for the benefit of all who are interested in the Gold Mines of the Rocky Mountains, if permitted by the House.

Council Bill No. 139, "An Act to divorce from the bonds of matrimony William Henry and Mary Jane Henry," was taken up.

Bill read a third time, and,

Being upon its final passage,

The yeas and nays were ordered.

Yeas—17. Nays—11.

Yeas, Messrs. Canniff, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lombard, Lynde, Lindsay, Nelson, Robertson, Sopris, Vanderslice, Whitehead, Wood and Mr. Speaker.

Nays, Messrs. Bartlett, Chandler, Cave, McMath, Morton, Pierce, Reynolds, Shively, Scott, Wright and Wagstaff.

So the Bill passed.

The title was agreed to.

On motion of Mr. Shively,

House adjourned until 7 o'clock, P. M.

EVENING SESSION.

SEVEN O'CLOCK.

Roll called.

House Bill No. 219, "An Act organizing the county of Doickinson," was taken up.

Read a third time and

Passed.

The title was agreed to.

House Bill No. 29, "An Act to charter a Ferry across the Fountaine Qui Bouille river, in Kansas Territory," was taken up, and,

On motion of Mr. Nelson, was indefinitely postponed.

Mr. Wood, from the Committee on Judiciary, submitted the following report:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Council Bill No. 143, entitled "An Act for the formation of Limited Partnerships," have had the same under consideration, and report it back, and recommend its indefinite postponement.

S. N. WOOD, Chairman.

The report was agreed to, and

The Bill indefinitely postponed.

Mr. Parks, from a Select Committee, submitted the following report:

The Select Committee, to whom was referred House Bill No. 484, entitled "An Act to incorporate the Rocky Mountain Express Company," having had the same under consideration, report the same back, and recommend its passage, without amendment.

P. S. PARKS,
R. SOPRIS,
A. BARTLETT.

The Select Committee, to whom was referred House Bill No. 85, entitled "An Act for the benefit of Livery Stable Keepers," report the same back, and recommend its passage, without amendment.

P. S. PARKS,
R. REYNOLDS,
NOEL,
Committee.

House Bill No. 474, "An Act to incorporate the Riley Real Estate Company," was taken up.

Read a third time and

Passed.

The title was agreed to.

House Bill No. 484, "An Act to incorporate the Rocky Mountain Express Company," was taken up.

Read a third time and

Passed.

The title was agreed to.

House Bill No. 85, "An Act for the benefit of Livery Stable Keepers," was taken up.

Read a third time and

Passed.

Mr. Lynde, from the Committee on Enrolled Bills, submitted the following report:

Mr. Speaker:—I have this evening presented to the Governor the following Bills:

House Bill No. 444, "An Act to establish a Ferry across the Great Nemaha river."

House Bill No. 324, "An Act to incorporate the Denver City and Beaver Creek Wagon Road and Bridge Company."

House Bill No. 34, "An Act to incorporate the Coal Mining Company."

House Bill No. 324, "An Act to prevent and punish Armed Invasions from and into this Territory."

House Bill No. 68, "An Act extending the time for completing a Bridge across the Wakarusa."

House Bill No. 157, "An Act to incorporate the village of Oskaloosa."

Mr. Morton, from a Special Committee, submitted the following report:

Mr. Speaker:—The Committee on Accounts, to whom was referred House Bill No. 472, "An Act for the relief of G. F. Warren," have had the same under consideration, and report the same back without recommendation.

P. G. D. MORTON, Chairman.

House Bill No. 472, "An Act for the relief of G. F. Warren," was taken up.

Read a third time and

Passed.

Title was agreed to.

Mr. Morton, from a Special Committee, submitted the following report:

Mr. Speaker:—The Committee on Accounts, to whom was referred the petition of Holland Wheeler for relief for services rendered, have had the same under consideration, and report a Bill back, together with petition and testimony, and recommend the passage of the Bill, making said appropriation.

P. G. D. MORTON, Chairman.

The Bill, as reported by the Committee, was taken up, and,

On motion of Mr. Lynde, was indefinitely postponed.

House Bill No. — "An Act defining the jurisdiction and power of the Probate Court," was taken up.

Read a first time.

Rules suspended.

Read a second and third time and

Passed.

The title was agreed to.

Message from the Council:

Mr. Speaker:—I am directed to inform the House that the Council have passed House Bill 343, "An Act to incorporate Leavenworth College."

House Bill 394, "An Act changing the Territorial Road running from Wyandott Southwest one hundred and fifty miles towards Santa Fe."

House Bill 179, "An Act to amend an Act entitled 'An Act to define the duties of Justices of the Peace in cases of breach of the peace.'"

House Bill 192, "An Act to incorporate the Western Railroad Company," without amendments.

JOHN J. INGALLS,
Secretary.
Per J. W. Jenkins.

Mr. Elliott, from a Special Committee, submitted the following report:

The Special Committee, to whom was referred House Bill No. 467, entitled "An Act changing the name of Breckenridge county," report the same back and recommend its passage.

S. G. ELLIOTT,
P. G. D. MORTON.

House Bill No. 467, "An Act changing the name of Breckenridge county," was taken up.

Read a third time and

Passed.

The title was agreed to.

Mr. Morton, from the Committee on Claims, submitted the following report:

Your Committee on Claims, to whom was referred Council Bill 169, "An Act for the relief of Mr. H. H. Willis," having had the same under consideration, recommend its indefinite postponement.

Also, Council Bill 68, "An Act for the relief of Frank H. Page and John Varian," and recommend the passage of the same.

Respectfully submitted on behalf of the Committee.

P. G. D. MORTON, Chairman.

Council Bill No. 68, "An Act for the relief of Frank H. Page and John Varian," was taken up.

Bill read a third time, and

Passed.

The title was agreed to.

Council Bill No. 144, "An Act to divorce Henry Leis and Catharine Leis," was taken up.

Read a third time and

Passed.

The title was agreed to.

Council Bill No. 192, "An Act divorcing Wm. M. T. Green and Matilda Green," was taken up.

Read a third time and

Passed.

Title was agreed to.

Council Bill No. 167, "An Act to divorce Edward Palmer and Dinah Palmer," was taken up.

Read a third time and

Passed.

Title was agreed to.

House Bill No. 474, "An Act to divorce F. B. Wauzer and Hiram Wauzer," was taken up.

Read a third time and

Passed.

The title was agreed to.

House Bill No. 397, "An Act incorporating the Clifton Town Company," was taken up.

Read a third time and

Passed.

The title was agreed to.

Mr. Wood moved that 500 copies of the report of the Committee on Mail Routes be printed.

Carried.

Mr. Wood, from the Committee on Judiciary, submitted the following report:

MR. SPEAKER:—The Judiciary Committee, to whom was referred House Bill No. 287, "An Act divorcing Amanda Willie from her husband, Dexter Willie," have had the same under consideration, and instruct me to report the same back and recommend its passage.

Also, House Bill No. 463, "An Act relating to occupying Claimants," and recommend its passage.

S. N. WOOD, Chairmaa.

House Bill No. 287, "An Act divorcing Amanda Willie and Dexter Willie," was taken up.

The Bill read a third time and

Passed.

The title was agreed to.

Mr. Brown, from the Special Committee, submitted the following report:

Your Special Committee, to whom was referred House Bill No.

478, have had the same under consideration and beg leave to return the same, recommending its indefinite postponement.

F. BROWN,
O. H. SHELDON,
L. S. CORNWELL.

The report was agreed to and the Bill indefinitely postponed.

Mr. Morton, from the Committee on Accounts, submitted the following report:

The Committee on Accounts, to whom was referred House Bill No. 308, "An Act making appropriation to pay George G. Pierce," have had the same under consideration, and beg leave to report the same back and recommend its passage.

P. G. D. MORTON, Chairman.

House Bill No. 308, "An Act for the relief of G. G. Pierce," was taken up.

Mr. Sims moved that "75" be stricken out and "51" inserted.

Carried.

The Bill was read a third time and

Passed.

Title was agreed to.

Message from the Council:

Mr. Speaker:—I am directed by the Council to inform the House that the Council have adopted the Memorial to Congress and Postmaster General, for certain new mail routes.

Also, House Bill No. 466, "An Act declaring the old Fort Kearney road a Territorial road."

House Bill 465, "An Act to declare certain Roads public Highways."

House Bill No. 220, "An Act regulating fees of the Clerks of the second District Courts in this Territory and for other purposes."

JOHN J. INGALLS,
Secretary.
Per J. W. Jenkins.

Mr. Speaker:—I am directed to inform the House that the Council have passed Council Bill No. 232, "An Act to incorporate the Atchison and Southwestern Railroad Company," in which your concurrence is respectfully solicited.

Also, House Bill 457, "An Act for the relief of Moulton S. Farnham."

House Bill 338, "An Act to divorce Daniel R. Huntoon and Lydia S. Huntoon."

House Bill 452, "An Act to incorporate the Island Ford Mills Company."

JOHN J. INGALLS,
Secretary.
Per J. W. JENKINS.

House Bill No. 450, "An Act to provide for setting aside certain Warrants issued by the Auditor of the Territory, and of certain Bonds issued by the Treasurer of Kansas Territory," was taken up.

Mr. Scott offered the following as a substitute to the Bill:

WHEREAS, Warrants have been drawn and Bonds issued by the Auditor and Treasurer of Kansas Territory, in payment of the awards of the Claim Commissioners appointed in pursuance of "An Act to provide for the adjustment and payment of Claims," approved February 17, 1859, and,

WHEREAS, Said Warrants and Bonds have been issued in violation of said law; therefore,

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

That said Warrants and Bonds shall not be considered any part of the indebtedness of the Territory, until further legislation shall be had in the premises.

This Act to take effect and be in force from and after its passage.

The substitute was read a first time.

Mr. Fitzpatrick introduced a letter upon the subject, and moved that the same be taken up and read by the Clerk.

Mr. Wood demanded the yeas and nays upon the motion to read the letter.

Yeas—23. Nays—7.

Yeas, Brown, Bartlett, Chandler, Cornwell, Cave, Elliott, Fitzpatrick, Jones, Lombard, McMath, Nelson, Parks, Pierce, Robertson, Reynolds, Steward, Sims, Scott, Vanderslice, Whitehead, Wright, Wagstaff and Mr. Speaker.

Nays, Dutton, Heath, Knowles, Lynde, Lindsay, Sopris and Wood.

So the motion prevailed.

Mr. McMath moved that the letter be read a second time,

Upon which Mr. Heath demanded the yeas and nays, which were ordered.

Yeas—5. Nays—25.

Yeas, Messrs. Dutton, Heath, Knowles, Lindsay and McMath.

Nays, Messrs. Brown, Bartlett, Chandler, Cornwell, Cave, Elliott, Fitzpatrick, Jones, Lombard, Lynde, Nelson, Parks, Pierce, Robertson, Reynolds, Steward, Sims, Scott, Sopris, Vanderslice, Whitehead, Wright, Wagstaff, Wood and Mr. Speaker.

So the motion was lost.

Mr. Nelson moved that the whole subject be indefinitely postponed.

Mr. Scott moved a call of the House.

Yeas and nays ordered.

Yeas—10. Nays—21.

Yeas, Messrs. Dutton, Heath, Knowles, Lynde, Lindsay, McMath, Nelson, Scott, Wood and Mr. Speaker.

Nays, Messrs. Brown, Bartlett, Chandler, Cornwell, Cave, Elliott, Fitzpatrick, Jones, Lombard, Noel, Parks, Pierce, Robertson, Reynolds, Steward, Sims, Sopris, Vanderslice, Wright and Wagstaff.

So the motion was lost.

Mr. McMath moved to adjourn.

Yeas and nays ordered.

Yeas—7. Nays—24.

Yeas, Messrs. Dutton, Heath, Knowles, Lindsay, McMath, Nelson and Wood.

Nays, Messrs. Brown, Bartlett, Chandler, Cornwell, Cave, Elliott, Fitzpatrick, Jones, Lombard, Lynde, Noel, Parks, Pierce, Robertson, Reynolds, Steward, Sims, Scott, Sopris, Vanderslice, Whitehead, Wright, Wagstaff and Mr. Speaker.

So the motion was lost.

Message from the Council:

Mr. Speaker:—I am directed to inform the House that the Council have passed House Bill 420, "An Act to establish and organize the counties of Republic, Shirley and Wade, and define the boundaries thereof," with the follawing amendments:

Strike out "Wade" and insert "Ottawa," in which yonr concurrence is respectfully solicited.

Also, House Bill 396, "An Act to legalize certain acts therein named."

Also, Council Bill 224, "An Act relating to moneys appropriated for the construction of Territorial Roads," in which your concurrence is desired.

House Bill 471, "An Act for the relief of Douglas county."

J. W. JENKINS,
Clerk.

Mr. Heath moved a call of the House.

Yeas and nays ordered.

Yeas—6. Nays—17.

Yeas, Messrs. Chandler, Cave, Fitzpatrick, Jones, Knowles, Nelson.

Nays, Messrs. Bartlett, Dutton, Heath, Lynde, McMath, Noel, Parks, Pierce, Reynolds, Rankin, Steward, Scott, Whitehead, Wright, Wagstaff, Wood and Mr. Speaker.

So the motion was lost.

On motion of Mr. Parks,

House adjourned.

GUSTAVUS A. COLTON,
Speaker of the House of Representatives.

M. W. Delahay,
Chief Clerk.

MONDAY, February 27, 1860,
9 o'clock, A. M.

House called to order by the Speaker.

Roll called.

Absentees, Messrs. Murphy, McMath, Morton, Pierce, Reynolds, Rankin, Sims, Scott, Vanderslice.

The reading of the Journal of Saturday was dispensed with.

On motion of Mr. Heath, the morning orders were dispensed with, and the consideration of House Bill No. 450, "An Act to provide for the setting aside certain Warrants issued by the Auditor of the Territory, and of certain Bonds issued by the Treasurer," and a substitute to the same, was resumed.

Mr. Lindsay moved that both the Bills and the substitute be indefinitely postponed.

Yeas and nays ordered.

Yeas—15. Nays—8.

Yeas, Messrs. Bartlett, Brooks, Dutton, Heath, Lynde, Lindsay, Morton, Noel, Nelson, Shively, Sheldon, Sopris, Wright, Wood and Mr. Speaker.

Nays, Messrs. Cave, Elliott, Lombard, Jones, Parks, Robertson, Whitehead and Wagstaff.

So the Bill and the substitute were indefinitely postponed.

Mr. Bartlett introduced House Bill No. 487, "An Act defining the Judicial Districts of the Territory, and fixing the times of holding Courts therein."

Bill read a first time.

Rules suspended.

Bill read a second time.

Mr. Lindsay moved that the rules be suspended, and that the Bill be read a third time.

Mr. Cave moved the indefinite postponement of the Bill.

Yeas and nays ordered.

Yeas—10. Nays—23.

Yeas, Messrs. Cave, Fitzpatrick, Lombard, McMath, Morton, Noel, Nelson, Shively, Sopris, Vanderslice.

Nays, Messrs. Brown, Bartlett, Blake, Brooks, Chandler, Canniff, Cornwell, Dutton, Elliott, Heath, Jones, Knowles, Lynde, Lindsay, Murphy, Parks, Robertson, Reynolds, Rankin, Steward, Sheldon, Whitehead, Wright, Wagstaff, Wood and Mr. Speaker.

So the motion was lost.

The question recurring upon the motion to suspend the rules that the Bill might be read a third time,

The yeas and nays were ordered.

Yeas—23. Nays—10.

Yeas, Messrs. Brown, Brooks, Dutton, Elliott, Heath, Jones, Knowles, Lombard, Lynde, Lindsay, Murphy, Parks, Pierce, Robertson, Reynolds, Rankin, Steward, Shively, Sopris, Whitehead, Wright, Wagstaff and Mr. Speaker.

Nays, Messrs. Bartlett, Canniff, Cave, Fitzpatrick, McMath, Morton, Noel, Nelson, Vanderslice and Wood.

So the motion prevailed.

The Bill having been read a third time, and being upon its final passage,

Yeas and nays were ordered.

Yeas—21. Nays—13.

Yeas, Messrs. Brown, Brooks, Chandler, Dutton, Heath, Jones, Knowles, Lynde, Lindsay, Murphy, Parks, Pierce, Reynolds, Rankin, Steward, Shively, Sheldon, Sopris, Wright and Mr. Speaker.

Nays, Messrs. Bartlett, Cave, Fitzpatrick, Lombard, McMath, Morton, Noel, Nelson, Parks, Robertson, Vanderslice, Whitehead, Wagstaff and Wood.

So the Bill passed.

The title was agreed to.

Message from the Council:

MR. SPEAKER:—I am directed to inform the House that the Council have passed House Bill No. 472, "An Act for the relief of G. F. Warren."

J. W. JENKINS, Secretary.

MR. SPEAKER:—The Council desires me to inform your honorable body of the passage of the following Bills:

Council Bill No. 240, "An Act to appropriate the sum of two hundred and fifty Dollars."

Council Bill No. 241, "An Act to amend an Act entitled 'An Act to incorporate the Kansas Central Telegraph Company,' approved February 11, 1859."

Also, the Council have passed House Bill 155, "An Act to incorporate the Missouri River Railroad Company."

House Bill 400, "An Act incorporating the Doniphan County Agricultural Society."

House Bill 290, "An Act respecting the duties of County and Township Officers."

House Bill 387, "An Act for the relief of Jefferson county, Kansas Territory."

House Bill 474, "An Act to incorporate the Riley Real Estate Company."

House Bill 467, "An Act to change the name of Breckenridge county, Kansas Territory."

House Bill 475, "An Act divorcing John Broderick and Catherine Broderick."

House Bill 485, "An Act for the benefit of Livery Stable Keepers."

House Bill 219, "An Act organizing the county of Dickenson."

J. W. JENKINS,
Assistant Secretary.

Message from the Governor:

EXECUTIVE OFFICE, K. T.,
February 25, 1860.

To the Speaker of the House of Representatives:

I have this day approved House Bills, "An Act relating to Counties and County Officers."

"An Act to legalize the official acts of Jason D. Passamore."

"An Act to incorporate the Atchison and Denver City Telegraph Company."

"An Act divorcing Sarah Wood and Charles F. Wood."

"An Act to amend an Act entitled 'An Act providing for the appointment of Territorial Auditor, and prescribing the duties of his office.'"

"An Act to incorporate the Wyandott City Insurance Company."

"An Act providing for the permanent location of the county seat of Douglas county."

"An Act for the relief of J. Newell."

"An Act to divorce Gertrude Siever from William Siever."

"An Act to amend an Act entitled 'An Act to establish a code of Civil Procedure.'"

"An Act divorcing Elizabeth Jones from James Jones."

"An Act divorcing Camilla Woodhull and Stephen Woodhull."

"An Act to incorporate the Metropolitan Mining Company."

"An Act to incorporate the Fort Scott Bridge and Ferry Company."

"An Act to amend an Act entitled 'An Act to incorporate the Wyandott and Ossawatomie Railroad Company.'"

Respectfully,
S. MEDARY.

Mr. McMath introduced House Bill No. —, "An Act relating to the Payment of Taxes."

Read a first time.

Rules suspended.

Bill read a second and third time and

Passed.

Title was agreed to.

Mr. Jones introduced House Bill No. —, "An Act to lay out and establish a Territorial Road, from West Point, Mo., to Garnett, K. T."

Bill read a first time.

Rules suspended.

Read a second and third time and

Passed.

The title was agreed to.

Mr. Morton introduced House Bill No. —, "An Act to locate a certain Territorial Road."

Bill read a first time.

Rules suspended.

Read a second and third time, and

On motion of Mr. Murphy, was indefinitely postponed.

Message from the Council:

Mr. Speaker:—I am directed to inform the House that the Council have passed Council Bill 243, "An Act to provide for the appointment of a Reporter to the Supreme Court," in which your concurrence is desired.

JOHN J. INGALLS,
Secretary of Council.
By J. W. Jenkins,
Assistant Secretary.

Mr. Speaker:—I am directed to inform the House, that the Council have passed Council Bill 242, "An Act to incorporate the Leavenworth Law Library Association," in which your concurrence is respectfully solicited.

JOHN J. INGALLS.
Per J. W. Jenkins.

Mr. Speaker:—I am directed to inform the House, that the Council have passed the following Bills:

House Bill 417, "An Act divorcing Jane Pine and Wm. Pine."

House Bill 447, "An Act divorcing T. B. Wauzer and Hiram Wauzer."

House Bill 315, "An Act regulating the Redemption of Real Estate."

House Bill 484, "An Act to incorporate the Rocky Mountain Express Company," without amendment.

JOHN J. INGALLS,
Secretary.
By J. W. Jenkins.

Mr. Speaker:—I am directed to inform the House, that the Council have passed Council Bill No. 177, entitled "An Act in relation to certain Bonds therein named."

Your concurrence is respectfully solicited.

JOHN J. INGALLS.
Per W. O. Dunton.

On motion of Mr. Brown, the vote by which House Bill No. 478 was indefinitely postponed, was reconsidered.

Read a third time and

Passed.

The title was agreed to.

Mr. Brooks, from the Committee on Incorporations and Banking, submitted the following report:

The Committee on Corporations, having had under consideration House Bill No. 208, entitled "An Act to incorporate the Hampden Woolen Manufacturing Company."

Council Bill No. 228, "An Act to charter a Ferry."

Council Bill 164, entitled "An Act to incorporate the Leavenworth and San Francisco Railroad Company."

House Bill No. 453, entitled "An Act to incorporate the Topeka Gas Company."

Also, House Bill No. 455, entitled "An Act to incorporate the Rock Creek Bridge Company."

Council Bill 182, entitled "An Act to incorporate the Prairie City Seminary."

Council Bill No. 106, entitled "An Act to incorporate the Cinnabar Mining Company."

The Committee on Corporations, having had under consideration House Bills No. 401, 403 and 392; Council Bill 202, report the same to the House, and recommend their passage without amendment.

P. R. BROOKS, Chairman.

Also, House Bill No. 280, "An Act to incorporate the Kansas Central Telegraph Company."

Also, House Bill No. 427, entitled "An Act to incorporate the Fort Scott, Neosho and Santa Fe Railroad Company."

Also, House Bill No. 461, entitled "An Act to incorporate the Kansas College of Medicine and Surgery."

Also, House Bill No. 434, entitled "An Act to amend an Act to establish and charter a Ferry at Palermo," beg leave to report the same without recommendation.

P. R. BROOKS, Chairman.

The Committee on Corporations, having had under consideration House Bill No. 113, entitled "An Act supplemental to an Act entitled 'An Act to incorporate the Kansas Central Railroad Company.'"

Also, House Bill No. 138, entitled "An Act to incorporate the South Platte Improvement and Lumbering Company."

Also, House Bill No. 431, entitled "An Act for the relief of James Leiby," instruct me to report the same, and recommend their indefinite postponement.

Also, House Bill No. 430.

P. R. BROOKS, Chairman.

Mr. Wagstaff introduced House Bill No. 491, "An Act to provide for filing vacancies in County and Township offices, and requiring Township Trustees to pay over money to Township Treasurer."

Bill read a first time.

Rules suspended.

Read a second and third time and

Passed.

The title was agreed to.

Mr. Nelson presented the following communication, which was ordered to be spread upon the Journal of the House:

HALL OF THE HOUSE OF REPRESENTATIVES,
Lawrence, K. T., Feb. 27, 1860.

To the Speaker of the House of Representatives :

The undersigned, feeling aggrieved by the action of the House in regard to the apology of the member from Johnson, after a deadly assault had been made by him upon a member of this House, and holding that no apology can be sufficient to atone for such conduct, and remembering that a few days since an insult was offered to myself more gross than that offered to the member from Johnson, and, because I did not take the law in my own hands, the House took no action in the premises, and believing that the member from Johnson has not made an apology, except to a portion of the House, and feeling that if I remain a member of this House I should be compelled to carry arms in order to protect my person, I most respectfully resign my seat as a member of the House of Representatives.

GEO. W. NELSON.

Mr. Wood introduced the following communication, which was ordered to be spread upon the Journal of the House:

HALL OF THE HOUSE OF REPRESENTATIVES,
February 27, 1860.

To the House of Representatives:

MR. SPEAKER AND GENTLEMEN:—On last Saturday evening a scene occurred in this House which I, as well as every lover of order and good manners, must ever regret, and which has assumed such a shape that I deem it my duty to make a brief statement. During the discussion on Saturday night on a Bill in reference to the awards of the Claim Commissioners, the gentleman from Johnson charged on two occasions that either the Committee or Public Printer had suppressed a part of the report of the Committee on Claim Awards. When the charge was first made, I let it pass in silence, but when repeated, and I called upon, as Chairman of the Committee to explain, I stated to the House that the report of the Claim Committee was printed, just as made to this House; that no part of it had been suppressed by either the Committee or Printer; that whoever asserted the contrary, asserted a falsehood; that if the gentleman from Johnson asserted that I had suppressed any part of said report, he either wilfully or ignorently asserted a falsehood. I now repeat the assertion, and the gentleman can make the most of it.

In explanation, I wish to state that the majority of the Committee asked a certain question of the Secretary of the Territory, but, instead of answering our question, he ran off into a long argument that had no relation to our question, denunciatory of the Governor of the Territory and others; the majority of the Committee decided that it had nothing to do with the subject of their requirements, and excluded it from their report. It never at any time constituted a part of the report. The gentleman from Johnson made an unprovoked assault upon my life with a drawn knife. Feeling that a personal contest on the floor of the House was undignified, I refrained from further resistance except that I caught the hand holding a drawn dagger, and prevented him from inflicting personal injury. The pretended apology presented by the gentleman from Johnson, so far from being an apology, I consider it as a continued insult; and the House, by receiving said apology as full satisfaction, not only indorse the assassination attempted by the gentleman from Johnson, but says to me, in unmistakable language, that whilst the rules of this House prevented me from defending myself against insult and almost assassination, that I can expect no protection from this House. I therefore most respectfully protest against the action of this House, and place myself in a position to defend myself by sending my resignation to the Governor of this Territory.

Yours respectfully,
S. N. WOOD,
Member from Chase county.

Message from the Council:

MR. SPEAKER:—I am instructed to inform the House that the Council have passed House Bill 404, "An Act to organize Greenwood county," with the following amendments:
Strike out "Verdigris" and insert "Eureka."
Also, strike out "A. Clark," and insert "Judge Wherry," in which your concurrence is desired.

JOHN W. JENKINS,
Assistant Clerk.

Council Bill No. 202, "An Act supplemental to an Act to incorporate Junction City."

Read a first time.

Rules suspended.

Read the second and third time and

Passed.

Title was agreed to.

Council Bill No. 242, "An Act to incorporate the Leavenworth Law Library Association."

Read a first time.

Rules suspended.

Read a second and third time and

Passed.

Title was agreed to.

Council Bill No. —"An Act to provide for the appointment of a Reporter for the Supreme Court."

Read a first time.

Rules suspended.

Read a second time.

Mr. Brooks moved that the rules be suspended that the Bill might be read a third time.

Yeas and nays ordered.

Yeas—16. Nays—11.

Yeas, Messrs. Canniff, Cave, Fitzpatrick, Lombard, Lindsay, McMath, Noel, Parks, Reynolds, Shively, Sopris, Vanderslice, Whitehead, Wright, Wagstaff and Mr. Speaker.

Nays, Messrs. Brooks, Chandler, Dutton, Elliott, Heath, Morton, Pierce, Rankin, Sheldon and Scott.

Not having received a two-third vote, the motion was lost.

Council Bill No. 240, "An Act to appropriate the sum of $250," was taken up.

Read a first time.

Rules suspended.

Read a second and third time and

Passed.

Title was agreed to.

Message from the Council:

Mr. Speaker:—I am directed to inform the House that the Council have passed House Bill 493, "An Act defining the Judicial Districts of the Territory, and for fixing the time for holding the courts in the same."

House Bill 423, "An Act to incorporate the Brooklyn Town Company."

House Bill 489, "An Act relating to the payment of Taxes."

House Bill 370, "An Act for the protection of property in Horses and other animals."

House Bill 482, "An Act to incorporate the Raysville Town Company," without amendments.

JOHN W. JENKINS,
Clerk.

Mr. Speaker:—I am directed to inform the House that the Council have passed House Bill 442, "An Act to incorporate the Topeka and Southern Kansas Railroad Company."

House Bill 478, "An Act to amend an Act entitled 'An Act to incorporate the Leavenworth City Water Works Company."

House Bill 355, "An Act to incorporate the Troy and Iowa Point Railroad," without amendments.

House Bill 486, "An Act defining the Powers and Jurisdiction of the Probate Court," with the following amendment:

Strike out tenth section.

In which your concurrence is desired.

JOHN W. JENKINS,
Assistant Clerk.

Council Bill No. 241, "An Act to incorporate the Kansas Telegraph Company," was taken up.

On motion of Mr. Lynde, the Bill was rejected.

Message from the Council:

MR. SPEAKER:—I am directed to inform the House that the Council have passed the following Bills:

House Bill 483, "An Act to incorporate the Lykins and Linn County Bridge Company."

House Bill 281, "An Act to incorporate the Occidental Cricket Club, of Leavenworth city."

House Bill 310, "An Act establishing a Ferry across the Big Blue River," without amendment.

JOHN J. INGALLS,
Secretary,
By J. W. JENKINS.

House Bill No. 453, "An Act to incorporate the Topeka Gas Light Company," was taken up.

Read a third time and passed.

Passed.

The title was agreed to.

Council Bill No. 106, "An Act to incorporate the Cinnabar Mining Company," was taken up.

Read a third time and

Passed.

The title was agreed to.

House Bill No. 420, "An Act to provide for the organization of the Counties of Republic, Shirley and Wade," was taken up, and,

On motion of Mr. Pierce, the House concurred in the amendments of the Council.

House Bill No. 280, "An Act to incorporate the Kansas Central Telegraph Company," was

Read a third time and

Passed.

The title was agreed to.

House Bill No. 403, "An Act authorizing the erection of a Mill Dam in the town of Charleston," was taken up.

Read a third time and

Passed.

Title was agreed to.

House Bill No. 401, "An Act authorizing the erection of a Mill by James Arnett," was

Read a third time and

Passed.

Title was agreed to.

Council Bill No. 182, "An Act to incorporate the Prairie City Seminary," was taken up.

Read a third time and

Passed.

The title was agreed to.

Council Bill No. 164, "An Act to incorporate the Leavenworth and San Francisco Railroad Company," was taken up, and

On motion of Mr. McMath, was laid on the table.

House Bill No. 427, "An Act to incorporate the Fort Scott, Neosho and Santa Fe Railroad Company," was taken up.

Read third time and

Passed.

The title was agreed to.

House Bill No. 455, "An Act to incorporate the Rock Creek Bridge Company," was taken up.

Read a third time and

Passed.

The title was agreed to.

House Bill No. 31, "An Act to incorporate the Kansas Medical College," was taken up.

Read a third time and

Passed.

The title was agreed to.

House Bill No. 461, "An Act to incorporate the Kansas College of Medicine and Surgery."

Read a third time and

Passed.

The title was agreed to.

House Bill No. 434, "An Act to amend 'An Act to establish and charter a Ferry at Palermo.'"

On motion of Mr. Lynde, the Bill was indefinitely postponed.

Mr. Sopris introduced House Bill No. 442, "An Act to incorporate the city of Auraria."

Read a first time.

Rules suspended.

Read a second and third times and

Passed.

Title was agreed to.

Also, House Bill No. 494, "An Act to incorporate and establish the city of Denver."

Read a first time.

Rules suspended.

Read a second and third time and

Passed.

Title was agreed to.

Also, House Bill No. 493, "An Act to incorporate and establish the cities of Auraria, Denver and Highland."

Read a first time.

Rules suspended.

Read a second and third time and

Passed.

Title was agreed to.

House Bill No. 208, "An Act to incorporate the Hampden Woolen Manufacturing Company."

Read a third time and

Passed.

The title was agreed to.

House Bill No. 392, "An Act to incorporate the Oxford Town Company," was taken up.

Read a third time and

Passed.

Title was agreed to.

Mr. Scott moved that the vote by which the House refused to suspend the rules, in order that House Bill 443, "An Act providing for the appointment of a Reporter for the Supreme Court," might be read a second time, be reconsidered.

The yeas and nays being demanded upon the motion to reconsider, the vote was as follows:

Yeas—13. Nays—15.

Yeas, Messrs. Brown, Chandler, Canniff, Cave, Noel, Reynolds, Shively, Scott, Vanderslice, Whitehead, Wright, Wagstaff and Wood.

Nays, Messrs. Bartlett, Brooks, Dutton, Elliott, Heath, Jones, Knowles, Lynde, Lindsay, Murphy, McMath, Nelson, Rankin, Sheldon and Mr. Speaker.

So the motion was lost.

Message from the Council:

MR. SPEAKER:—I am directed to inform the House that the Council have passed Council Bill 239, "An Act to appropriate one hundred and fifty dollars," in which your concurrence is desired.

J. W. JENKINS,
Assistant Secretary.

MR. SPEAKER:—I am directed to inform your Honorable Body that the Council have passed House Bill No. 476, "An Act supplementary to 'An Act to establish and define the jurisdiction of Probate Courts in Leavenworth and other Counties,'" with the following amendment:

Add "Section 2. The provisions of the Act to which this is supplementary, together with this Act, shall apply to the whole Territory and to each and every county thereof."

Your concurrence is requested.

JOHN J. INGALLS,
Secretary.
By W. C. DUNTON.

House Bill No. 476, "An Act supplemental to 'An Act to establish and define the jurisdiction of Probate Courts for Leavenworth and other Counties,'" was taken up, and

On motion of Mr. McMath, the House concurred in the amendments of the Council.

Mr. Lynde offered the following resolution:

Resolved, That the Speaker of the House be hereby instructed to send to the Hon. Galusha A. Grow, Washington, D. C., the certified statement of votes in reference to the Wyandott Constitution, made to this House to-day by the Governor.

Mr. McMath moved to lay the resolution upon the table.

Yeas and nays ordered.

Yeas—9. Nays—22.

Yeas, Messrs. Lombard, Murphy, McMath, Noel, Reynolds, Vanderslice, Whitehead, Wright and Wagstaff.

Nays, Messrs. Bartlett, Brooks, Chandler, Canniff, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lynde, Lindsay, Nelson, Robertson, Rankin, Steward, Shively, Sheldon, Scott, Wood and Mr. Speaker.

So the motion was lost.

The question recurring upon the adoption of the resolution,

Yeas and nays ordered.

Yeas—22. Nays—18.

Yeas, Messrs. Bartlett, Brooks, Chandler, Canniff, Cave, Dutton, Elliott, Fitzpatrick, Heath, Jones, Knowles, Lynde, Lindsay, Robertson, Rankin, Steward, Shively, Sheldon, Scott, Wright and Wood.

Nays, Messrs. Lombard, Murphy, McMath, Noel, Reynolds, Vanderslice, Whitehead, and Wagstaff.

So the resolution was adopted.

Mr. Bartlett offered the following resolution, which was adopted:

Resolved, That the Clerk of this House be instructed to forward to our Delegate in Congress two hundred copies of the report of the Special Joint Committee on Mail Routes.

Message from the Council:

Mr. Speaker:—I am directed to inform the House, that the Council have passed House Bill No. 200, "An Act to incorporate the Hampden Woolen Manufacturing Company," without amendment.

J. W. JENKINS.

Mr. Speaker:—I am directed to inform the House that the Council have passed the following Bills:

House Bill 287, "An Act divorcing Amanda Wiley from her husband Dexter Wiley, with the following amendment to title:

Strike out "from her husband," and insert "and."

House Bill 427, "An Act to incorporate the Fort Scott, Neosho and Santa Fe Railroad Company."

House Bill 453, "An Act to incorporate the Topeka Gas Company."

House Bill 493, "An Act to consolidate the cities of Auraria, Denver and Highland."

House Bill 492, "An Act to incorporate and establish the city of Auraria, Kansas Territory."

House Bill 494, "An Act to incorporate and establish the city of Denver, Kansas Territory," without amendments.

JOHN W. JENKINS,
Assistant Clerk.

The amendment of the Council was agreed to.

Council Bill No. 232, 'An Act to incorporate the Atchison and Southern Railroad Company," was taken up.

On motion of Mr. Fitzpatrick, the Bill was indefinitely postponed.

Mr. Brooks offered the following resolution:

Resolved, That the Secretary of the Territory be and is hereby instructed to furnish to each member and officer of the House a printed copy of the Laws passed at the present session, as soon as they shall be published. Also, a copy of the Journal of the House and Council.

Adopted.

On motion of Mr. McMath,

House adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

Roll called.

Mr. Pierce, from the Enrolling Committee, submitted the following report:

Mr. Speaker:—The Committee on Enrolled Bills, having examined the following Bills, ask leave to report that they find the same properly enrolled, to wit:

House Bill No. 468, "An Act divorcing Harry G. Turner and and Ursula Turner."

Also, House Bill No. 315, "An Act regulating the redemption of Real Estate.

Also, House Bill 487, "An Act relating to payment of Taxes."

Also, House Bill No. 440, "An Act to incorporate the Topeka and Southern Kansas Railroad Compeny."

Also, House Concurrent Resolution.

Also, House Bill No. 338, "An Act divorcing Daniel R. Huntoon and Lydia S. Huntoon."

Also, House Bill No. 343, "An Act to incorporate Leavenworth College."

GEO. G. PIERCE.

Mr. Lynde introduced House Bill No. —, "An Act supplemental to an Act to incorporate the village of Oskaloosa."

Read a first time.

Rules suspended.

Read a second and third time and

Passed.

Title was agreed to.

Mr. Lynde, from the Enrolling Committee, submitted the following report:

Mr. Speaker:—I have this day, at one o'clock P. M., deposited in the office of the Secretary of the Territory House Bill No. 41, "An Act changing the lines of Chase and Butler counties, which Bill, having been in the Governor's hands three days, (Sundays excepted,) has become a law, which fact was duly certified to by the presiding officers of both Houses.

E. LYNDE,
Member of Enrolling Committee.

Mr. Fitzpatrick moved that the House concur in Council amendments to House Bill No. 458, "An Act to provide for the keeping up of Stock at night, in Shawnee county."

Mr. Wood moved that the subject be postponed until to-morrow at 10 o'clock.

Yeas and nays ordered.

Yeas—12. Nays—9.

Yeas, Messrs. Brooks, Dutton, Jones, Lynde, Lindsay, Morton, Nelson, Robertson, Shively, Sheldon, Wright and Wood.

Nays, Messrs. Fitzpatrick, Canniff, Cave, Lombard, Noel, Vanderslice, Whitehead, Wagstaff and Mr. Speaker.

So the motion prevailed.

Message from the Council:

MR. SPEAKER:—I am directed to inform the House of the passage by the Council of the following Bills:

House Bill 1, "An Act to provide for the location of the county seat of Wyandott county."

House Bill 455, "An Act to incorporate the Rock Creek Bridge Company," without amendment.

Also, Council Bill 246, "An Act to organize the county of Neosho," in which your concurrence is respectfully solicited.

JOHN W. JENKINS,
Assistant Clerk.

Mr. Morton moved that the vote by which House Bill No. 227 was indefinitely postponed be reconsidered, "An Act to change the lines of Riley county."

Mr. Nelson moved to lay the motion upon the table.

Yeas and nays ordered.

Yeas—12. Nays—11.

Yeas, Messrs. Chandler, Cave, Lombard, McMath, Nelson, Robertson, Sheldon, Sopris, Vanderslice, Whitehead, Wright and Wagstaff.

Nays, Messrs. Brooks, Canniff, Dutton, Fitzpatrick, Jones, Lynde, Lindsay, Morton, Rankin, Steward and Shively.

So the motion prevailed.

Message from the Council:

MR. SPEAKER:—I am directed by the Council to inform the House of the passage by the Council of House Bill No. 321, "An Act to incorporate the Marysville and Denver City Railroad Company," without amendment.

Also, House Bill 201, "An Act to incorporate the Riley Town Company," with the following amendments.

Insert the name of Daniel M. Adams as one of the incorporators.

J. W. JENKINS,
Assistant Clerk.

Mr. Scott, from the Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills, have examined House Bill No. 99, "An Act to prevent the introduction of Diseased Cattle into the Territory of Kansas."

Also, No. 351, "An Act to incorporate the Mount Prospect Association."

Also, No. 135, "An Act to incorporate the Arrapahoe Improvement Association."

House Bill No. 452, "An Act to incorporate the Island Ford Mill Company."

316, "An Act to charter a Ferry across the Marais des Cygnes."

192, "An Act to incorporate the Western Railroad Company."

396, "An Act to legalize certain acts herein named."

400, "An Act to incorporate the Doniphan Agricultural Society."

394, "An Act to change a certain Territorial Road."

245, "An Act for the relief of Asahel Beach and others."

376, "An Act to incorporate the Leon Town Company."

295, "An Act to provide for a new assessment of Taxes in Breckenridge county, for the years 1859--60."

110, "An Act to incorporate a Ferry at the city of Manhattan."

219, "An Act Organizing the county of Dickinson."

179, "An Act to amend an Act entitled 'An Act to define the duties of Justices of the Peace, in cases of Breach of the Peace."

332, "An Act to incorporate the Jefferson Town Company."

457, "An Act for the relief of Milton S. Farnham."

120, "An Act to establish a toll Bridge across the Platte river."

326, "An Act to incorporate the town of St. Marysville."

320, "An Act to legalize certain acts of Erastus W. Stratton."

221, "An Act to restrain intercourse with the Indians."

399, "An Act to amend an Act entitled 'An Act to incorporate the Iowa Point Steam Ferry Company.'"

341, "An Act to incorporate the Fremont Collegiate Association."

418, "An Act to amend an Act entitled 'An Act to charter and establish a Ferry at the city of Elwood, and for revising and repealing all general charters or parts of charters relating to said Ferry,' approved February 7, 1859."

Also, to amend an Act entitled "An Act to establish a Ferry at the city of Elwood, and for revising and repealing all former charters and parts of charters relating to such Ferry," approved February 6, 1860.

390, "An Act to incorporate Marion Town Company."

406, "An Act to provide for the assessment and collection of Taxes."

144, "An Act supplementary to an Act entitled 'An Act to amend an Act entitled 'An Act to incorporate the city of Lecompton,'" approved Feb. 11, 1858, and find them correctly enrolled.

JOHN W. SCOTT.

Message from the Governor:

EXECUTIVE OFFICE, K. T.,
February 27, 1860.

To the House of Representatives:

I have this day approved House Bills, "An Act regulating Fees of the Clerks of the several District Courts of this Territory, and for other purposes."

"An Act to charter a Ferry across the Neosho river near Ottumwa, K. T."

"An Act to provide for the permanent location of the county seat of Breckenridge county."

"An Act to incorporate the Arrapahoe County Improvement Association."

"An Act to incorporate the Leavenworth Fire Marine and Life Insurance Company."

"An Act to incorporate the Marion Town Company."

"An Act to establish a Toll Bridge across Big Stranger Creek, in Leavenworth County, K. T."

"An Act to incorporate the Norwood Mining Company."

"An Act for the benefit of Livery Stable Keepers."

"An Act to establish and define the jurisdiction of Probate Courts in Leavenworth and other counties."

"An Act to legalize certain Acts therein named."

"An Act to incorporate the Kansas Vine Company."

"An Act to charter a Ferry across the Missouri river, at a point opposite Forest City, Mo."

"An Act to incorporate the Detroit Town Company."

"An Act changing the Territorial Road, running southwest from Wyandott one hundred and fifty miles toward Santa Fe."

"An Act to incorporate the Leavenworth City Museum."

"An Act to charter a Ferry across the Kansas river, at section 35, township 11, range 23."

"An Act to legalize the assessment of Taxes made by Wm. Fuller in Peoria township, Franklin county, K. T., for the year 1859."

"An Act to incorporate the Buckeye Mining Company."

"An Act to incorporate the Fremont Collegiate Association."

"An Act for the relief of Asahel Beach and others."

"An Act providing for a Justice of the Peace, in and for the city of Ogden."

"An Act to incorporate the Leon Town Company."

Respectfully,
S. MEDARY.

EXECUTIVE OFFICE, K. T.,
February 27, 1860.

To the Speaker of the House of Representatives :

I have this day approved House Bills, "An Act divorcing Lucy A. Perry and William Perry."

"An Act to incorporate the village of Oskaloosa."

"An Act authorizing a Ferry across the Great Nemaha river."

"An Act amendatory to an Act entitled 'An Act extending the time for the collection of Taxes in Doniphan county.' "

"An Act divorcing William J. Barr from his wife Louisa Barr."

"An Act to protect the citizens of Linn county from depredations of Stock."

"An Act to perfect the organization of Osage county."

"An Act to incorporate the Denver City and Beaver Creek Wagon Road and Bridge Company."

"An Act concerning Divorce and Alimony."

"An Act to incorporate the Colona Mining Company."

"An Act to amend an Act entitled 'An Act exempting certain Property from Sale, upon Execution or other process,' approved February 11, A. D. 1859."

"An Act to authorize the county of Leavenworth to issue certain Bonds."

"An Act to incorporate the Mammoth Quartz Lead Mining Company."

"An Act to incorporate the Mount Vernon Town Company."

"An Act to incorporate the Jefferson Quartz Mining Company."

"An Act divorcing Lydia W. Peck and Horatio N. Peck *alias* James Diamond."

"An Act divorcing Sarah Ann Johnson and D. B. Johnson."

"An Act to authorize Simon Ritter to erect a Toll Bridge over the South Platte river, at a point herein named in Kansas Territory."

"An Act to incorporate the Iowa Point and Denver City Railroad Company."

"An Act to incorporate the Fort Scott Town Company."

"An Act to provide for the assessment and collection of Taxes."

"An Act to incorporate the South Platte River Improvement and Lumbering Company."

"An Act to incorporate the Kansas Scientific Literary Institute."

"An Act to incorporate the Denver, Auraria and Colorado Wagon Road Company."

"An Act divorcing James Henry Crawford and Melinda Elizabeth Crawford."

"An Act to incorporate the city of Paola."

"An Act divorcing George J. Martin and Sophronia H. Martin."

"An Act to incorporate the Arrapahoe county Gas Light Company," and

"An Act to provide revenue for the years 1859 and 1860."

Respectfully,
S. MEDARY.

Mr. Knowles, from the Enrolling Committee, submitted the following report:

MR. SPEAKER:—The Committee on Enrolled Bills having examined House Bills No. 30, "An Act to incorporate the Building Association of Elwood."

No. 220, "An Act regulating fees of the Clerks of the several District Courts in this Territory and for other purposes."

No. 367, "An Act to incorporate the Kansas Vine Company."

No. 389, "An Act to incorporate the Buckeye Mining Company."

No. 425, "An Act amending an Act entitled 'An Act to incorporate the Leavenworth City Gas Company.'"

No. 187, "An Act to establish and define the jurisdiction of the Probate Court in Leavenworth and other Counties."

No. 354, "An Act to incorporate the Leavenworth Fire, Marine and Life Insurance Company."

No. 311, "An Act to incorporate the Detroit Town Company."

No. 471, "An Act for the relief of Douglas county."

No. 108, An Act entitled "An Act to amend an Act entitled 'An Act regulating the jurisdiction and procedure before a Justice of the Peace and the duties of Constables in Civil Cases.'"

No. 328, "An Act to establish a Toll Bridge across the Big Stranger creek, in Leavenworth county, Kansas Territory."

No. 150, "An Act chartering a Ferry across the Missouri river at a point opposite Forest City, Mo."

No. 390, "An Act to legalize the assessment of Taxes made by William Fuller, in Peoria Township, Franklin county, Kansas Territory, for the year 1859."

No. 380, "An Act to incorporate the Leavenworth City Museum."

No. 309, "An Act to incorporate the City of Paola."

No. 412, "An Act to incorporate the Mount Vernon Town Company."

No. 485, "An Act for the benefit of Livery Stable keepers."

No. 456, "An Act to provide revenue for the years 1859 and 1860."

No. 368, "An Act to incorporate the Missouri river, Pike's Peak and California Express Company."

No. 388, "An Act to provide for supplying the city of Leavenworth with pure water."

No. 429, "An Act to provide for the election of a Commissioner to collect and preserve the public property at Lecompton."

No. 311, "An Act to incorporate the Norwood Mining Company."

HORATIO KNOWLES,
Member of Committee.

Mr. Lynde, from the Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER:—The Committee on Enrolled Bills have examined House Bill No. 492, "An Act to define the Judicial Districts of the Territory and fix the time and places for holding the several Courts therein," find the same correctly enrolled.

E. LYNDE,

Message from the Council:

MR. SPEAKER:—I am instructed to inform the House that the Council have passed Council Bill No. 247, "An Act to establish and maintain a Ferry across Chapman's creek."

Your concurrence is desired.

JOHN J. INGALLS.

Message from the Council:

MR. SPEAKER:—I am directed to inform the House that the Council have passed the following resolution:

Resolved, That the House of Representatives be requested to appoint a Committee of its own body, to see what action, if any, is necessary to secure the timely enrollment of all House Bills of a general nature.

Resolved further, That the House of Representatives be forthwith requested to pass upon all Council Bills as expeditiously as possible.

J. W. JENKINS,
Clerk.

Mr. Lynde, from the Enrolling Committee, submitted the following report:

MR. SPEAKER:—The Committee on Enrolled Bills, having examined House Bill No. 495, "An Act supplemental to 'An Act to incorporate the village of Oskaloosa,' passed Feb., 1860," find the same correctly enrolled.

E. LYNDE,

Mr. Nelson moved that the vote by which Council Bill No. 236, was indefinitely postponed, be reconsidered, "An Act to amend the 449th section of an Act entitled 'An Act to establish a Code of Civil Procedure.'"

Mr. Lynde moved to lay the motion upon the table.

On motion of Mr. Nelson,

House took a recess of one-half hour.

Recess having expired, the House convened.

On motion of Mr. Heath,

The House took a recess until 7 o'clock, P. M.

EVENING SESSION.

SEVEN O'CLOCK.

Mr. Colton offered the following resolution, which was adopted:

Resolved, That the sum of five dollars per day be allowed to the Clerks and assistant Clerks, assistant Door Keeper and Messenger, of this House, that are to be paid by the Territory, for their services during the regular and extra session of the Legislature for the year 1860, to be audited and allowed by the Speaker.

Mr. Wood offered the following resolution, which was adopted:

Resolved, That the Democratic members of this House be requested to inform this House whether they have made a demand upon the Secretary of the Territory, either severally or in a body, for their mileage and per diem for this session, and if so, what is their success and what is their prospects of pay.

Mr. Pierce, from the Committee on Enrolled Bills, submitted the following report:

Mr. Speaker:—The Committee on Enrolled Bills ask leave to report that they have examined the following Bills, and find the same correctly enrolled, to wit:

House Bill No. 287, "An Act to divorce Amanda Wiley and Dexter Wiley."

Also, House Bill No. 453, "An Act to incorporate the Topeka Gas Light Company."

Also, House Bill No. 454, "An Act for the relief of the Hampden Town Association."

Also, House Bill No. 201, "An Act to incorporate the Riley Town Company."

Also, House Bill No. 322, "An Act to incorporate a University at Mount Pleasant, Atchison county, Kansas."

Also, House Bill No. 489, "An Act relating to the payment of Taxes."

Also, House Bill No. 427, "An Act to incorporate the Fort Scott, Neosho and Santa Fe Railroad Company."

GEORGE G. PIERCE.

Mr. Knowles, from the Committee on Enrolled Bills, submitted the following report:

Mr. Speaker:—The Committee on Enrolled Bills, having examined House Bills No. 281, "An Act to incorporate the Occidental Cricket Club, of Leavenworth City."

No. 417, "An Act divorcing Jane Pine and William Pine."

No 447, "An Act divorcing F. B. Wauzer and Hiram Wauzer."

No. 370, "An Act for the protection of property in Horses and other animals."

No. 465, "An Act to declare certain roads Public Highways."

No. 1, "An Act to locate permanently the County Seat of Wyandott County."

No. 310, "An Act establishing a Ferry across the Big Blue river."

No. 478, "An Act to amend an Act entitled 'An Act to incorporate the Leavenworth City Water Works Company.'"

No. 493, "An Act to consolidate the Cities of Auraria, Denver and Highland," find the same correctly enrolled.

HORATIO KNOWLES,
Member Enrolling Committee.

On motion of Mr. Nelson,

House took a recess till 11 o'clock, P. M.

The recess having expired, the House convened.

Speaker in the chair.

Council Bill No. 499, "An Act to incorporate the Pike's Peak Express Company," was taken up.

Read a first time.

Rules suspended.

Bill read a second and third time and

Passed.

The title was agreed to.

Mr. Morton offered the following resolution:

Resolved, That the Chief Clerk, M. W. Delahay, be allowed, out of any money in the Treasury not otherwise appropriated, the sum of $1,500 for transcribing and filing in the office of the Secretary of the Territory the Journals of the present extra session of the Legislature; and the Auditor is hereby authorized to draw his warrant therefor, upon the proof of the transcribing and filing aforesaid.

Mr. Wood moved to strike out "$1,500" and insert "$500."

Yeas and nays ordered.

Yeas—10. Nays—13.

Yeas, Messrs. Bartlett, Brooks, Chandler, Cave, Heath, Lynde, Shively, Sheldon, Wright and Wood.

Nays, Messrs. Dutton, Fitzpatrick, Knowles, Lindsay, Morton, Noel, Parks, Pierce, Robertson, Steward, Scott, Wagstaff and Mr. Speaker.

So the amendmenment was lost.

Mr. Wright moved to strike out "$1,500" and insert "$800."

Mr. Parks moved to amend by inserting "$1,000."

The question recurring upon the motion of Mr. Wright to to strike out "$1,500" and insert "$800," it prevailed.

The resolution, as amended, was adopted.

Mr. Morton offered the following resolution, which was adopted:

Resolved, That $100 be and is hereby appropriated to pay C. Chase for extra services as Journal Clerk of this House.

Resolved, That $100 be and is hereby appropriated to pay Arthur Gunther for extra services, as Assistant Journal Clerk.

Lost.

Mr. Morton offered the following resolution, which was adopted:

Resolved, That the sum of sixty dollars be and is hereby allowed to John L. Wilson, Engrossing Clerk, for services rendered (writing at nights) during the present session.

Message from the Governor:

EXECUTIVE OFFICE, K. T.,
February 27, 1860.

To the House of Representatives:

I have this day approved House Bills "An Act to incorporate the Missouri River and Pike's Peak and California Express Company."

"An Act to incorporate the Roger Williams University."

"An Act to incorporate tho Island Ford Mill Company."

"An Act to amend and consolidate the several Acts relating to the City of Lawrence."

"An Act supplemental to an Act to incorporate the village of Oskaloosa," passed February 8th, 1860."

An Act eniitled "An Act to amend an Act entitled 'An Act regulating the jurisdiction and procedure before a Justice of the Peace, and the duties of Constables in Civil Cases.'"

"An Act amending an Act entitied 'An Act to incorporate the Leavenworth City Gas Company.'"

"An Act to charter a Ferry across the Marias des Cygnes."

"An Act to amend an Act entitled 'An Act to define the duties of Justices of the Peace in cases of breaches of the peace,'" approved February 10th, 1859.

"An Act to incorporate a Ferry at the city of Manhattan."

"An Act for the relief of Moulton G. Farnham."

"An Act to incorporate the Western Railroad Company."

"An Act to incorporate the Kansas Central College."

"An Act establishing and organizing the counties of Republic, Shirley and Ottawa, and to define the boundaries thereof."

"An Act to incorporate the Eagle Quartz Crushing and Mining Company."

"An Act to incorporate the Rocky Mountain Express Company."

"An Act to restrain intercourse with Indians."

"An An for the relief of George F. Warren."

"An Act to incorporate the Topeka and Southern Kansas Railroad Company."

Respectfully,

S. MEDARY.

Also, Memorial to Congress concerning the payment of certain Militia service in Southern Kansas; and

Preamble and Resolution concerning Timber land in possession of the Indians.

S. MEDARY.

Mr. Knowles, from the Committee on Enrolled Bills, submitted the following report:

Mr. Speaker:—The Committee on Enrolled Bills, having examined House Bill No. 484, "An Act to incorporate the Rocky Mountain Express Company."

No. 432, "An Act to divorce Anne A. Allen and Nathaniel V. Allen."

No. 371, "An Act divorcing Joseph Shafft and Almena Adaline Shafft from the bonds of matrimony."

No. 420, "An Act establishing and organizing the counties of Republic, Shirley and Wade, and the boundaries thereof."

No. 466, "An Act declaring the old Fort Kearney road a Territorial road."

No. 387, "An Act for the relief of Jefferson county, Kansas Territory."

No. 290, "An Act respecting the duties of County and Township Officers."

No. 432, "An Act for relief of Eli Snyder."

No. 475, "An Act divorcing John Broderick and Catharine Broderick."

No. 344, "An Act to incorporate the Eagle Quartz Crushing and Mining Company."

No. 472, "An Act for the relief of G. F. Warren."

No. 474, "An Act to incorporate the Riley Real Estate Company."

No. 217, "An Act to establish and charter a Ferry across the Kansas river."

No. 398, "An Act to divorce Henderson H. Boggs and Susan Boggs."

No. 334, "An Act to incorporate Leavenworth Lodge No. 1 of the Independent Order of the Sons of Malta."

No. 286, "An Act divorcing Olive Smith from her husband Samuel Smith."

No. 366, "An Act to divorce Joseph Henderson and Elizabeth Henderson."

No. 227, "An Act to incorporate the Blue River Bridge Company."

No. 467, "An Act to change the name of Breckenridge Co."

No. 428, "An Act supplementary to an Act entitled 'An Act to incorporate the American Mining Company.'"

House Resolution No. 16, "Memorial to Congress praying for an appropriation to pay certain Volunteers called out by Gov. Denver in the year 1858."

No. 356, "An Act to incorporate the Wardens and Vestry of Trinity Church."

No. 317, "An Act to incorporate the Auraria Mining Company."

No. 284, "An Act to incorporate the Southern Kansas Pacific Railroad Company."

No. 407, "An Act to amend and consolidate the several Acts relating to the City of Lawrence."

No. 319, "An Act to incorporate the Washington Mining Company."

No. 422, "An Act to incorporate the Lawrence Gas Light Company."

No. 298, "An Act supplemental to an Act entitled 'An Act to incorporate the City of Palermo.'"

No. 389, "An Act to incorporate the Alma Town Company and Town of Alma."

No. 342, "An Act to incorporate the Osage Falls Bridge and Ferry Company."

HORATIO KNOWLES,
Member of Committee on Enrolled Bills.

House Bill No. 428, "An Act supplemental to an Act entitled 'An Act to incorporate the American Mining Company.'"

482, "An Act to incorporate the Raysville Town Company."

485, "An Act to incorporate the Lykins and Linn County Bridge Company."

House Bill 455, "An Act to incorporate the Rock Creek Bridge Company."

House Joint Resolutions No. 14, Memorializing the Congress of the United States for the award of an additional United States District Judge for Kansas Territory."

476, "An Act supplemental to an Act defining the jurisdiction of Probate Courts in Leavenworth and other counties."

208, "To incorporate the Hampden Woolen Manufacturing Company."

486, "Defining the powers and jurisdiction of the Probate Courts." Correctly enrolled.

J. W. SCOTT.

Mr. Morton, from the Committee on Accounts, submitted the following report:

The Committee on Accounts to whom was referred the accounts of the members of the House of Representatives for mileage and per diem, for the Extra Session of the Legislature, commencing on the 19th day of January, A. D. 1860, beg leave to report that they find the following accounts correct, and recommend their allowance, to wit:

P. G. D. Morton,	280 miles,	40 days attendance.
O. H. Sheldon,	116	“
S. G. Elliott,	174	“
Thomas Lindsay,	150	“
L. S. Cornwell,	90	“
R. Sopris,	1574	“
P. S. Parks,	108	“
W. L. McMath,	110	“
Wm. Noel,	122	“
E. Lynde,	60	“
S. R. Canniff,	72	“
Erastus Heath,	12	“
B. Steward,	40	“
Wm. A. Rankin,	66	“
S. N. Wood,	200	“
F. Lombard,	126	“
W. R. Wagstaff,	120	“
Charles Sims,	100	“
Geo. G. Pierce,	240	“
H. R. Dutton,	180	“
P. R. Brooks,	30	“
Geo. Nelson,	180	“
Hugh Robertson,	114	“
W. G. Fitzpatrick,	45	“
Danl. Chandler,	160	“
J. H. Jones,	150	“
T. A. Blake,	60	“
Robt. Reynolds,	180	“
Horatio Knowles,	240	“
Henry Shively,	100	“
John Wright,	70	“
John W. Scott,	200	“
G. A. Colton,	120	“
Amasa Bartlett,	140	“
Morton Cave,	180	“
S. J. Vanderslice,	132	“
C. B. Whitehead,	114	“
G. C. Murphy,	94	“
Fredk. Brown,	94	“
M. W. Delahay, Chief Clerk,		“
A. J. Chipman, 2nd Clerk,		“
G. F. Warren, Sergeant-at-Arms,		“
Francis House, Door Keeper,		“

Mr. Knowles, from the Enrolling Committee, submitted the following report:

Mr. Speaker:—The Committee on Enrolled Bills, having examined House Bill No. 481, entitled "An Act to repeal an Act to establish a Ferry across the Missouri river, at Leavenworth city, Territory of Kansas, and for other purposes," find the same correctly enrolled.

HORATIO KNOWLES,
Member of Enrolling Committee.

Mr. Speaker:—The Committee on Enrolled Bills, having examined House Bill No. 460, entitled "An Act making appropriations for the expenses of the Territory of Kansas, for the year A. D. 1860," find the same correctly enrolled.

HORATIO KNOWLES.

Message from the Council:

Mr. Speaker:—I am directed to inform the House that the Council have passed House Bill No. 308, "An Act making an appropriation to pay George G. Pierce," without amendment.

JOHN J. INGALLS,
Secretary.

Mr. Scott offered the following resolution, which was adopted:

Resolved, That the Secretary of the Territory be authorized to publish in pamphlet form, and at the earliest possible moment, the following General Laws, viz: "An Act relating to Counties and County officers," "An Act in relation to Township Officers," "An Act regulating Elections," "An Act providing for the assessment and collection of Taxes," and "An Act to provide for the location and working of Highways; and also, that he be authorized to forward to each of the county clerks in this Territory 22 copies of the book, for distribution in his county, together with a copy of the same to each member of this House, so soon as it shall be published.

Mr. Lynde offered the following resolution, which was adopted:

Resolved, That the sum of one hundred dollars be paid to John W. Day, Docket Clerk of this House, out of any moneys in the Territorial Treasury not otherwise appropriated, for extra services rendered by him at night, and in making out a pamphlet list of House and Council Bills.

Message from the Governor:

EXECUTIVE OFFICE, K. T.,
Feb. 27, 1860.

To the House of Representatives:

I have this day approved House Bills Nos. 320, 120, 332, 219, 468, 144, 321, 371, 319, 317, 400, 343, 460, 351, 286, 432, 296, 378, 399, 342, 418, 487, 471, 290, 481, 217, 454, "An Act to consolidate the cities of Auraria, Denver and Highland," "An Act to incorporate and establish the city of Auraria, Kansas Territory," 427, "An Act divorcing Jane Pine and William Pine," 483, 281, 388, 447, 366, 385, 345, 459, 322, 155, 453, 284, 212, 465, "An Act for the protection of property in Horses and other animals," 438, 287, "An Act to incorporate the Troy and Iowa Point Railroad Company," 356, 208, 404, 455, 476, 228, 334, 482, 428, 422, 201, 324, 241, 497, 369, 308.

Respectfully,
S. MEDARY.

Message from the Council:

MR. SPEAKER:—The Council direct me to notify the House that they have adopted the following resolution, and ask your concurrence:

Resolved, By the Council, the House concurring therein, that a Committee of one on the part of the Council and two on the part of the House be appointed, who shall inform his Excellency Governor S. Medary that both Houses have completed their labors, and are ready to adjourn *sine die*, but will wait his pleasure for any communication which he may have to make.

JOHN J. INGALLS,
Secretary of the Council.

The Chair appointed as said Committee Messrs. Wagstaff and Parks.

Message from the Council:

MR. SPEAKER:—I am directed to inform the House that the Council have passed the following Bills:

House Bill 345, "An Act to amend an Act entitled 'An Act to establish a Code of Civil Procedure.'"

House Bill 386, "An Act for the relief of James R. Whitehead," without amendment.

JOHN J. INGALLS,
Secretary.

Mr. Lynde offered the following resolution, which was adopted:

Resolved, That the sum of twenty-five dollars be paid to James L. McDowell, Assistant Docket Clerk of this House, out of any moneys in the Territorial Treasury not otherwise appropriated, for extra services rendered by him at night.

Mr. Colton offered the following resolution, which was adopted:

Resolved, That H. M. Hughes be allowed for extra services, during the present session of the Legislature, as Assistant Enrolling Clerk of the House of Representatives, for enrolling at night, &c., the sum of one hundred dollars.

Mr. Dutton offered the following resolution, which was adopted:

Resolved, That four hundred dollars be appropriated for the purpose of paying Sam. F. Tappan, Second Assistant Clerk, for extra services during the regular and special sessions, and for transcribing the Journals of the regular session.

Mr. Knowles, from the Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills, having examined House Bill No. 438, "An Act to amend an Act to incorporate the Town of Fort Scott," find the same correctly enrolled.

HORATIO KNOWLES.

Mr. Wood offered the following resolution, which was adopted:

Resolved, That the sum of one hundred dollars be appropriated out of any money in the Treasury not otherwise appropriated, to A. J. Chipman, for extra services as Assistant Clerk of this House.

Mr. Bartlett offered the following resolution, which was adopted:

Resolved, That the Speaker of the House be authorized to approve the Journals of the House, after the adjournment of the House.

Mr. Nelson offered the following resolution, which was adopted:

Resolved, That the communication received from L. S. Cornwell this morning, be expunged from the Journals of this House.

Mr. Scott offered the following resolution, which was adopted:

Resolved, That the thanks of this House be tendered to the Speaker, Hon. Gustavus A. Colton, for the able, impartial and dignified manner in which he has presided over its deliberations.

Mr. Scott offered the following resolution, which was adopted:

Resolved, That the thanks of this House be tendered to M. W. Delahay, Chief Clerk; G. F. Warren, Sergeant-at-Arms, together with all other Clerks and Officers, for the faithfulness and efficiency with which they have discharged their respective duties.

Message from the Governor:

EXECUTIVE OFFICE, K. T.,
February 27, 1860.

To the Speaker of the House of Representatives:

I have this day approved House Bill No. 338.
Joint Resolution No. 14.

Respectfully,
S. MEDARY.

Mr. Wagstaff, from the Committee appointed to wait upon the Governor, reported that the Committee had performed the duty assigned them, and that the Governor had no further communication to make.

Mr. Wood moved that a Committee of three be appointed by the Chair to wait upon the Governor to request him to sign the General Election Law.

Mr. Parks moved to lay the motion upon the table.

The Chair appointed as said Committee Messrs. Scott, Sheldon and Knowles.

Mr. Brooks offered the following resolution:

Resolved, That the sum of one hundred dollars be appropriated to P. H. Berkau for extra pay, as Enrolling Clerk, the same as allowed the other Clerks.

Mr. Bartlett moved to strike out "one hundred" and insert "sixty."

Adopted.

The resolution, as amended, was adopted.

Message from the Council:

MR. SPEAKER:—The Council direct me to notify the House that the Council has finished its labors and adjourned *sine die.*

JOHN J. INGALLS,
Secretary.

Mr. Jones offered the following resolution;

Resolved, That the sum of one hundred dollars be allowed A. Stark, out of any money now remaining in the Treasury, or that may be hereafter in the Treasury, for his extra services as Enrolling Clerk.

Mr. Bartlett moved to strike out "one hundred" and insert "sixty."

Adopted.

The resolution, as amended, was adopted.

Mr. Scott, from the Committee appointed to wait upon the Governor, reported that the Committee had performed the duty assigned them, and that the Governor had refused to sign the Bill.

Mr. Nelson moved to adjourn *sine die*.

Yeas and nays ordered.

Yeas—16. Nays—10.

Yeas, Messrs. Brooks, Canniff, Cave, Fitzpatrick, Heath, Lombard, Lindsay, McMath, Noel, Nelson, Parks, Robertson, Steward, Whitehead, Wright and Wagstaff.

Nays, Messrs. Bartlett, Chandler, Dutton, Jones, Lynde, Morton, Pierce, Shively, Wood and Mr. Speaker.

So the motion prevailed, and

The House adjourned *sine die*.

GUSTAVUS A. COLTON,
Speaker of the House of Representatives.

M. W. DELAHAY,
Chief Clerk.